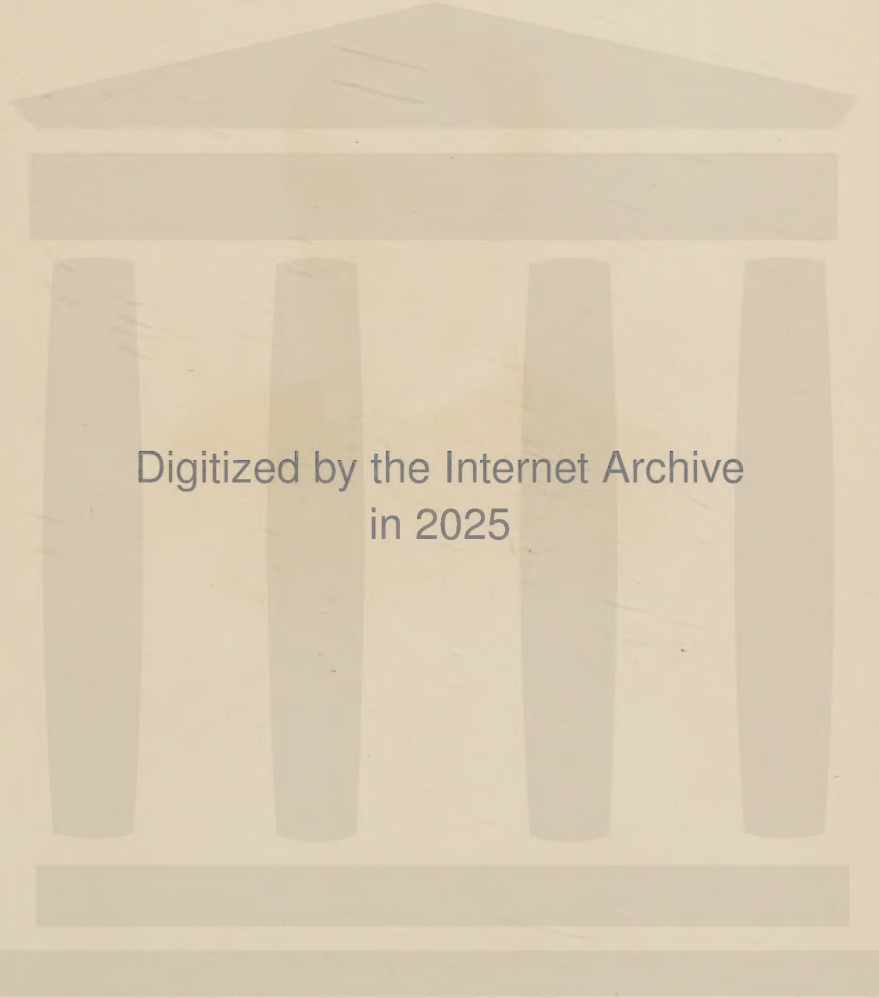


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HISTORY

OF THE

STATE OF COLORADO

EMBRACING ACCOUNTS OF THE

PRE-HISTORIC RACES AND THEIR REMAINS; THE EARLIEST SPANISH, FRENCH AND
AMERICAN EXPLORATIONS; THE LIVES OF THE PRIMITIVE HUNTERS, TRAP-
PERS AND TRADERS; THE COMMERCE OF THE PRAIRIES; THE FIRST
AMERICAN SETTLEMENTS FOUNDED; THE ORIGINAL DISCOVERIES
OF GOLD IN THE ROCKY MOUNTAINS; THE DEVELOPMENT
OF CITIES AND TOWNS, WITH THE VARIOUS PHASES
OF INDUSTRIAL AND POLITICAL TRANSITION,
FROM 1858 TO 1890.

IN FOUR VOLUMES.

ILLUSTRATED.

VOLUME II.

BY
FRANK HALL,
FOR THE ROCKY MOUNTAIN HISTORICAL COMPANY.

CHICAGO:
THE BLAKELY PRINTING COMPANY,
1890.

Entered According to Act of Congress, in the Year 1890, by
THE ROCKY MOUNTAIN HISTORICAL CO.,
In the Office of the Librarian of Congress, at Washington, D. C.

INTRODUCTORY.

When the initial volume of our history was given to the public in June, 1889, it was believed to be possible to issue the second in September following. Subsequent researches, however, consumed more time and involved greater labor than had been anticipated, hence it was not completed and published until March, 1890. It was a part of the plan also, to epitomize therein the more important chronicles of some, at least, of the counties, cities and towns originally organized under the Territorial government, continuing the same until the series should be completed, and while this purpose has not been abandoned, its execution is necessarily deferred by the demands of the general history of the Territory and State. Although the annals of several counties have been collated, it was found impracticable to present them here, therefore they are reserved for the succeeding volume.

The first three chapters of this work are devoted to an extremely interesting outline of the geological formation of the land we occupy, prepared by Mr. R. C. Hills of Denver. Although abridged to the narrowest limits consistent with its magnitude, and only designed as a sketch of the more essential features of this great subject, much valuable information is tersely conveyed respecting the primordial conditions of this portion of our continent, beginning with remote ages when the earth was but an incandescent fluid globe, and tracing the marvelous series of

mighty evolutions thence to the formation of primitive rocks, down to the emergence of the first dry land when the stupendous ranges of the Rocky Mountains, that are now the wonder and delight of all observers, appeared only in the form of a few small islands lifted above the waters of the vast Palæozoic ocean, onward epoch by epoch, to the stage in which we find them, with extensive notations of the birth of floral and faunal life and their development and decay. The treatise throughout evinces the care of a patient, learned and devoted student, and that the best lights of modern science have been thrown upon it. With the facts before us it is a matter of astonishment that he has been able to compress so much within the limit assigned. Though only the essential details have been extracted from the accumulated evidence, the sketch is remarkably comprehensive and interesting.

In the second chapter a subject that is of greater import, in a commercial sense, than any other with which the masses have to deal,—the character and distribution of our coal deposits,—is very clearly defined. In this branch of inquiry Mr. Hills has attained great proficiency through years of close application thereto, hence his deductions may be accepted as the best that have been, or can be formulated in the current stage of development. While he has reduced the enormous areas reported by more hasty examiners to be underlaid with coal, to less than 20,000 square miles of ascertained and workable seams, by the tabulated estimates which follow, based upon studious examination of the fields described, we are advised that the supply is practically inexhaustible.

Here, again, he is the first to attempt an approximation of the available tonnage of coal from the more prominent beds, and though accuracy is not claimed, a basis for calculation is thereby afforded, and the reader given an intelligent comprehension of the immense resources of superior fuel stored away in the plains and mountains, for present

and future generations, as has been done by other well informed geologists for Pennsylvania, Alabama, Illinois, Missouri and other coal bearing States. Taken in connection with his observations preceding and following these tables, we have, in place of wild guesswork, and irresponsible statements, a trustworthy guide that may be followed to rational conclusions.

The chapter which treats of the organization and work of the convention that framed the fundamental law of Colorado, and laid the basis of Statehood, was prepared by Judge H. P. H. Bromwell, because it was deemed advisable in view of some recent attacks in our legislative bodies upon certain provisions of that instrument, coupled with a demand for a new convention and a revised charter, to have that subject discussed, and clearly explained, by one thoroughly conversant with the manner of its construction, the men who framed it, and the influences which actuated them in the performance of their duties. It being the earnest desire of all the surviving members consulted, that Mr. Bromwell should be selected, because of his prominence in the convention, and their confidence in his desire and ability to give it due and proper consideration for permanent record, he was persuaded to undertake it. The result fully justifies the wisdom of their choice.

During the compilation of this volume, I have been favored with a large collection of historical notes from manifold sources, some of them valuable contributions to the annals of the country, and while the greater part relate to events occurring in the first years of settlement and may be classed as reminiscences, they cannot well be omitted without detracting from the original design of our labors, which is to embrace everything worthy of record in the chronicles of our State and its people. Hence, a place will somewhere be made for them, and also for much other data of a similar character yet to be gathered from counties and

towns, from which the present and coming generations may be apprised of the struggles and adventures of the men who planted the seeds of civilization here, and how they did it. A few such narratives will be found in the succeeding pages.

And when the best that remain shall have been garnered, may we not anticipate that some one more skilled in literature and romance, will arise and weave them into thrilling song and story, as Joaquin Miller and Bret Harte have done for the Sierras and for California? Unknown, perhaps, to many who may give these annals attentive reading, we have in our midst one who is pre-eminently endowed with all the qualifications for such a work, if he would undertake it,—Mr. Lewis B. France, who has already published some of the most charming tales of the parks and mountain trails that it has been our pleasure to read, and has in his portfolio unpublished writings in which the public would find still deeper enjoyment. With so much material at command, and with his superior faculty for tracing with infinite delicacy of pathos and humor the lights and shadows of romantic pioneer life, and withal capable of producing scenes of wondrous beauty, they could be made a delight to all dwellers in our land, and to thousands who have only witnessed its rugged outlines. Colorado should be the center and home of Western art, poetry and romance, for nowhere else is there to be found superior attractions of life or environment. Mr. John Howland, Mrs. J. A. Chain, Thomas Moran, Elkins and other artists have furnished some superb pictures; Mr. Powers a few specimens of fine sculpture; let us also have some skillful writers of poetry and fiction as supplements to art. Mr. France, "Fitz Mac," Patience Stapleton and a few others have published just enough to indicate their fine capabilities in this direction, but there is a demand for more, which it is hoped will be speedily supplied.

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OCEAN

PALEOZOIC

CHENIERA

HISTORY OF COLORADO.

CHAPTER I.

AN OUTLINE OF COLORADO GEOLOGICAL HISTORY—CONDITION OF THE CONTINENT AT THE TIME OF FIRST EMERGENCE—MATERIAL OF THE EARLIEST DRY LAND IN COLORADO, AND ITS PROBABLE ORIGIN—ARCHÆAN ERA—LIFE OF THE ARCHÆAN—PALÆOZOIC ERA—PRIMORDIAL ROCKS IN COLORADO—PROBABLE LIFE OF THE PRIMORDIAL PERIOD—OTHER SILURIAN ROCKS—DEVONIAN ROCKS—CARBONIFEROUS AND PERMIAN ROCKS—ABSENCE OF COAL IN THE CARBONIFEROUS OF THE ROCKY MOUNTAINS—LIFE OF THE CARBONIFEROUS—APPALACHIAN REVOLUTION—MESOZOIC ERA—TRIASSIC ROCKS IN COLORADO—JURASSIC ROCKS—ATLANTOSAURUS BEDS—LOWER CRETACEOUS OF TEXAS—DAKOTA CRETACEOUS IN COLORADO—MARINE CRETACEOUS—LARAMIE EPOCH.

When the mineral wealth of Colorado is considered, the importance of her various metalliferous deposits, the immense reserves of her coal measures and mineral resources of lesser note, it becomes apparent how largely the operation of geological causes has contributed to the growth and prosperity of the State. Even the rugged grandeur of the Colorado panorama is but the final expression, rarely more strongly emphasized, of the effects produced by the same causes, acting through countless ages of time.

The geological history of a country, thus favored with the treasures of the mineral kingdom, is replete with matters of intense interest not only to the student of science, but to educated and intelligent persons generally; hence, its introduction in a popular form, into these pages, requires no apology. Indeed, rather is it to be regretted, that a subject so nearly related to our industrial development, could not, con-

sistent with the dimensions of this work, be afforded the space it deserves.

It would not be possible, within the limits assigned, to present more than a brief outline of what pertains to the geological record, itself necessarily incomplete, and, as in all newly settled countries, but yet imperfectly interpreted. Without reverting, in more than general terms, to the remote past, when, as we have good reason to believe, the earth was an incandescent fluid globe, or to a period still more remote when, in accordance with the nebular hypothesis, the entire solar system existed as a highly attenuated vapor, it will suffice for the present purpose if we follow in chronological order, the successive stages of geological development, beginning with the appearance of the first dry land in the region now embraced in the State of Colorado.

At that time the continent of North America was mainly submerged beneath the sea, although in a general way, its existing contour was already outlined in the ocean depths. The most extensive land surface was north of the great lakes. A group of islands, for the most part corresponding to the Appalachians and Adirondacks, stretched southward near the present Atlantic border; while far to the westward, more remote from the main continental area, and separated by a broad expanse of ocean, were other similar islands corresponding to the Rocky Mountains and neighboring parallel ranges. It is with the most easterly islands of this ancient western archipelago, that we are chiefly concerned; for they formed a nearly continuous land surface, trending north and south, through the central part of Colorado; areas that were never again completely submerged, the debris resulting from their degradation being found in the sediments of all succeeding geological periods.

The material of the first dry land consisted solely of granites, gneisses or allied rocks, already highly crystalline even before their emergence from the surrounding ocean.

The granites, and associated crystalline rocks, have a world-wide distribution, being everywhere recognized as the lowest in the geolog-

ical scale, no pre-existing, or more ancient, types being anywhere exposed to view. They ought not, however, to be regarded as a part of the original, unaltered, or first-formed crust of the earth. The theory of terrestrial evolution at present accepted, as most in harmony with physical laws, requires the first-formed crust to have been a superficial consolidation of the original fluid mass, resulting simply from loss of heat; hence, the earliest rocks were probably similar to known types of highly crystalline lavas,—that is, they belonged to the large class included under the general term eruptives.

The ancient granites and gneisses do not partake of the characters common to rocks which have resulted from lava consolidation; on the contrary they belong, more properly, to another large class of rocks, apparently produced by the slow crystallization (metamorphism) of sedimentary deposits, through long-continued subjection to elevated temperatures in presence of water, and probably great pressure. These are termed metamorphic rocks, and the granite series may be regarded as the extreme term of such metamorphism, the varieties being, simply, aggregations of easily recognized, definite mineral species. Evidently, the origin of this class of rocks must have been subsequent to the time of first consolidation, or what may be termed the first stage of rock formation, and should rather be referred to the second stage, during which, the hydrothermal conditions necessary to metamorphism, first came into existence.

Following the first superficial consolidation, came long ages of constant but gradual cooling, accompanied by slow thickening of the solid crust, until finally the temperature of the surface was reduced to the point at which the condensation of water became possible. This was the beginning of the second stage of rock formation. Degradation and sculpturing of the surface began with the advent of water, and, considering the conditions then existing, the effects must have been stupendous; for the temperature of the earliest seas, probably exceeded the boiling point, while from an atmosphere saturated with steam, and acid vapors, ceaseless torrents of hot rain were precipitated. The sur-

face of the globe was one vast cauldron. Water was then the all-powerful agent in the work of breaking up, and reconstructing, the material of the original crust. Nor was its action restricted to rapid mechanical erosion. In its heated and highly mineralized condition, it was capable of bringing about wide-spread chemical changes, not only in the nature of the decomposition but in the reorganization of material into mineral aggregates. The water of the ancient seas thus heated, and charged with mineral substances, was doubtless one of the principal factors involved in the metamorphism of the rocks of the earlier series, to which the greater part, if not the whole, of the granite rocks of the globe in all probability belong.

Some geologists even maintain that the hot, saturated water of the primitive seas was the *principal agent* in the formation of granite and allied rocks. This view, however, has not received much support, the most general conclusion being that complete metamorphism could only result from the subsidence of sediments to depths where the temperature was sufficiently high to induce chemical action. The latter view is, no doubt, most in keeping with observed facts, and may be largely true, yet it will hardly account for the universal and complete metamorphism of the oldest sediments, or, to speak more plainly, of the existence everywhere of a granite substructure.

The question of the origin of granite is still an open one, consequently, its discussion would exceed the scope of this work. It is merely necessary to state here that, beyond doubt, the process of granite formation required the presence of water at comparatively high temperatures, and under considerable pressure, and that the water of the ancient seas was active in bringing about consolidation of the earlier sedimentary accumulations, or was even capable of transforming them to some extent into crystalline aggregates,—that is, of inducing the first stages of metamorphism.

Considering how infinitely prolonged must have been the time during which the above causes were in operation, and also their comparatively great activity, it is not surprising that the first-formed crust

has—at least as regards its original character—long ago disappeared, or become deeply buried under vast detrital accumulations long since transformed into highly crystalline granites and gneisses.

The long period of time associated with these changes, probably greater than all subsequent time up to the present, is usually termed by geologists the Archæan Era. The granite rocks of Colorado and other parts of the world, were formed during Archæan times; consequently, so far as we can judge, the first important emergence of the land did not take place until toward its close, and the earliest land areas, as we know them, were really such as existed during the first period of the succeeding or Palæozoic Era. Hence, our geological history really begins with the dawn of the Palæozoic, whose successive periods were so many stages in the progressive development of the ancient systems of terrestrial life.

It begins with the earliest record of the actual existence of life, as clearly demonstrated by fossil remains. Regarding the previous existence of life we possess no absolute proof, although there is sufficient evidence, of an indirect nature, to warrant the conclusion that toward the latter part of the Archæan, the lower forms of organisms were abundantly represented.

The form and extent of the Colorado land-surface, at the opening of the Palæozoic, can only be outlined in a general way. The Archæan areas, as defined by Hayden, simply represent the Archæan rocks now exposed, and not the dry land actually existing at the beginning of Palæozoic times.

Beyond question the dry land of that period must have been much more extensive than at any subsequent time in Palæozoic history; for throughout this era there was a gradual subsidence during which an enormous thickness of sediments, derived from the exposed areas through erosion, was deposited. Thus a large part of the first dry land was again slowly submerged, and became deeply buried under the constantly accumulating sediments resulting from its own degradation.

The map at the beginning of this chapter represents the probable

form and extent, of the Colorado land-surface at the dawn of the Palæozoic. The shore contour is merely an approximation, and the area indicated was very much less at the beginning of the succeeding era; while the two main islands, although probably separated during the Silurian, were joined by a narrow isthmus toward the north during or preceding the Carboniferous Age.

Judging from the extent and thickness of stratified rocks, which could only be derived from this land-surface, through its denudation, the mean elevation must have been very great; surpassing anything known of like areas at the present day. One can only imagine the landscape of these ancient islands,—if indeed it was ever visible through the dense mists of the humid atmosphere,—to have been marked by extremely high mountains, and very deep gorges, with a general surface rough, water-scored, rocky, and utterly devoid of animal or vegetable life.

All the divisions of the Palæozoic, from the Cambrian to the Permo-Carboniferous inclusive, are probably represented, to a greater or less extent, in the geological sections of Colorado. The lower divisions however, appear to be wanting in characters whereby they can be specifically identified or defined, and with the possible exception of the Cambrian have nowhere a thickness approaching that developed by corresponding Palæozoic strata in the region of the Appalachians. This statement is true so far as regards this part of the Rocky Mountains; but the development in the Wahsatch is very much greater, the total thickness of Palæozoic strata being reported by Clarence King at 32,000 feet. The Palæozoic rocks of Northeastern Colorado,—that is, those exposed along the base of the Front Range,—probably do not exceed 1,000 feet in thickness. In Southeastern Colorado, along the Sangre de Cristo Range, they probably attain a thickness of 4,000 feet, possibly more, since the existence of transitional beds—consisting of an enormous thickness of sandstones—renders it difficult to determine where the Palæozoic ends, and the Mesozoic begins. In the Mosquito Range, according to S. F. Emmons, the Palæozoic rocks develop a total thickness of 4,000 feet; while in the San Juan Mountains of

Southwestern Colorado, the corresponding rocks have a maximum thickness of not less than 15,000 feet. All the Palæozoic strata were subsequently buried under more recent sediments, the latter generally overlapping along the shore-line; and since the former were deposited on a sloping surface, they were thinner along the old shores than elsewhere. From which it follows that the thickness exposed will be greatest in localities where the old shore-deposits have been deeply eroded. In describing the Palæozoic beds of Colorado it will be best to take them in their occurring order, beginning with the lowest in the scale.

SILURIAN SYSTEM. CAMBRIAN OR PRIMORDIAL PERIOD.

Of the Cambrian rocks, or what have been provisionally assigned to this period, the greatest thickness developed is in the San Juan Mountains in Ouray County. They consist of quartzites, slates, and quartz conglomerates, aggregating from 10,000 to 12,000 feet in thickness, exposed in the gorge of the Uncompahgre River above Ouray. This great development of Cambrian strata, nearly equal to that observed in the Wahsatch Mountains, is altogether local, probably owing to the fact that the sedimentary beds have been more deeply eroded on the Uncompahgre than on any stream draining the western slope of the San Juan Mountains, except the Rio Las Animas. On the branches of the Rio San Miguel erosion has not even exposed the uppermost of the Palæozoic strata; while on the Rio Dolores the Cambrian quartzite is barely exposed in the mouth of Silver Creek, by the erosion of a great anticlinal uplift cut by the river. Rocks, part of which may be Cambrian, are exposed in the Needle Mountains south of the Rio Las Animas. These three exposures probably belong to one and the same series of beds extending beneath, and hidden by overlapping strata of more recent age. The remaining Cambrian exposures of Colorado, so far as known, are by comparison quite insignificant. Emmons reports only 200 feet in thickness as being developed in the Mosquito Range, and but 50 feet in Manitou Park. Quartzites which Hayden refers to the Silurian, but which may contain some Cambrian, are exposed on

Grand River between Glenwood Springs and Dotsero, and extending northward, cover a portion of the White River Plateau.

Regarding the life of this period in Colorado little is yet known, and at present its character can only be inferred from the remains abounding in other regions, and which conclusively show the world-wide distribution of the dominant types. The Primordial rocks of the globe contain the oldest known faunal remains, which are represented in Europe, and different parts of Eastern North America, notably also in Nevada and Utah, largely by Crustaceans (Trilobites) belonging to genera of *Olenellus*, *Paradoxides*, *Olenus*, etc. These are associated with Mollusks, representing species of Brachiopods, Gastropods, Cephalopods and Pteropods. The only plants were sea-weeds. Marine worms, and sponges, also made their appearance in this period, and Echinoderms toward its close.

The dominant forms were Crustaceans, which were comparatively numerous, and the individuals of remarkably large size. All of the species, and several of the genera, became extinct at the end of the Cambrian. The oldest rocks of this period contain the remains of a genus of Crustaceans called *Olenellus*, which, with certain associated forms are collectively termed the *Olenellus* fauna, and the horizon at which they are found, the *Olenellus* zone. Usually, where this zone has been identified in the West, it is underlaid by a considerable thickness of Pre-Cambrian stratified rocks; hence, the probability that part of our Colorado Cambrian may be Pre-Cambrian, or Algonkian as defined by Walcott. It is interesting, in connection with this oldest of known faunas, to note the high degree of perfection already attained by animal life. Contrary to what might have been expected, we find the Crustaceans among the largest of the kind ever known; while among Mollusks several of the grand divisions of the present time were well represented. These facts lead one to conclude that, between this period and the Archæan, there existed long ages of organic development of which the record is still wanting, and during which these

highly organized types were slowly evolved from the primitive forms indirectly shown to have swarmed in late Archæan seas.

The presence of a typical Cambrian fauna in Utah, Nevada, and Arizona, in rocks deposited in the bed of the same sea, renders it highly probable that similar forms abounded along the Cambrian shores of Colorado, notwithstanding the scarcity of fossils in the few localities where they have been searched for.

The remaining Silurian rocks of the West have nowhere attained a development approaching that of the underlying Primordial.

In Middle Nevada, according to King, the Silurian, exclusive of the Cambrian and Quebec, has a total thickness of 2,000 feet; and, according to the same authority, but half this thickness is exposed in the Wahsatch Mountains. In Colorado but 200 feet is reported by Emmons in the Mosquito Range. It has been identified in several localities in Nevada, Utah, Arizona and New Mexico by characteristic fossils, mostly of the age of the Canadian and Trenton Periods of the Lower Silurian (Ordovician).

The rocks are usually limestones which, in Colorado, rarely contain fossils. The limestone exposed just above Ouray on the Uncompahgre, and which underlies, uncomfortably, the strata of the Carboniferous there so conspicuously developed, probably belongs to the Post-Cambrian portion of the Silurian, judging from the lithological succession observed elsewhere in the West. Rocks of corresponding age, cover a considerable part of the White River Plateau.

Among the rocks frequently exposed is a pinkish colored sandstone containing numerous worm-burrows, in some places normal to the planes of bedding like the *Scolithus* of the Potsdam sandstone. Silurian strata, of limited thickness, are often present at the base of the upturned sedimentaries, bordering the several Archæan areas, but are not deemed of sufficient importance to demand special mention.

While the evidence of life afforded by the Silurian rocks of Colorado, is of the most meager description, it does not follow that the conditions were altogether unfavorable for its existence,—for, no doubt,

subsequent alteration of the rocks has had much to do with the obliteration of the life-record. In the Appalachian region, and in Europe, the strata of this age afford a marine fauna rich in species. Land-plants, represented mostly by Club-mosses, first made their appearance at about the middle of the age, and in Europe, Vertebrates (fishes) also. These were the precursors of the life which attained such an expansion during the remainder of the Palæozoic.

DEVONIAN SYSTEM.

This system of rocks, so well defined in Europe and Eastern North America, is, so far as known, barely represented in Colorado. Pinkish, or red-colored, sandstones, bordering the Archæan, near Cañon City, appear to contain characteristic Devonian fossils.

The upper part of the beds referred to the Silurian may really belong to the Devonian; a question which has not yet been decided, owing to the absence of palæontological evidence. King reports the Devonian quartzite and conglomerate as 2,400 feet thick in the Wahsatch Mountains, and 2,000 feet thick in Middle Nevada. The quartzites and conglomerates exposed around Treasury Mountain, in Gunnison County, may, on the ground of lithological similarity and order of succession, be referred to the Devonian, and for the same reasons the underlying limestones are probably Silurian.

The remarks made with regard to the paucity of organic remains in the Silurian rocks of Colorado are equally applicable to the Devonian rocks. In other parts of the world they abound in fossils, indicating that the earth teemed not only with animal but with vegetable life, and with forms much higher in the scale of development than are found to have existed in the preceding age. The land was clothed for the first time with forests of coniferous trees,—with *Lepidodendrons*, *Sigillaria*, *Calamites* and ferns; while the seas swarmed with Ganoid and Placoid fishes, covered with bony plates or scales, and possessing characters which allied them in part to the reptiles. True fishes (Teleosts) and true reptiles were, however, yet unknown; nor did the Devonian veg-

etation reach the exuberant growth which characterized the forests of the succeeding age.

CARBONIFEROUS SYSTEM.

The rocks of this system in Colorado are better defined and more evenly distributed than those of either the Silurian or Devonian systems. They are usually separated into three divisions, corresponding to the three periods of this age, viz.: The Sub-Carboniferous, the Carboniferous proper, or coal measures, and the Permo-Carboniferous. In the Wahsatch Mountains and in Middle Nevada the strata of the three periods aggregate about 15,000 feet, of which about one-half is limestone. In Colorado the Carboniferous varies in thickness from a few hundred to nearly 5,000 feet, according to the distance of the exposures from the old shore-line,—or, in other words, according to the amount of erosion. The line of demarkation is generally clearly defined at the base, owing to angular non-conformity with the underlying rocks. At the top of the Carboniferous series it is rarely possible to separate definitely the occasionally fossiliferous sandstones of the Permo-Carboniferous from the non-fossiliferous sandstones at the base of the overlying Mesozoic,—that is, the two blend insensibly into one another. The same absence of demarkation is generally observed at the junction of the Permo-Carboniferous with the coal measures. Between the latter and the Sub-Carboniferous the line of separation is usually well defined.

Throughout the Carboniferous exposures of Colorado there exists a common and easily recognized lithological similarity. The Sub-Carboniferous consists mainly of limestone; the coal measures of gypsiferous clays and shales, with more or less inter-bedded sandstone,—the latter predominating in Southwestern Colorado,—while the Permo-Carboniferous consists largely of variegated sandstones frequently conglomeritic. Coal is rarely present in the true coal measures, having been observed at only three localities, viz.: Near Villa Grove, in the San Luis Valley, at Aspen just over the ore-zone, and near the head of the Huerfano River. None of the coal beds are of workable size except the one

near Villa Grove, and the coal is in each case of inferior quality. Probably the best defined exposure of the entire series of Carboniferous strata occurs on the Rio Las Animas in La Plata County. The series is also well exposed at different points in Garfield, Pitkin and Eagle Counties, especially near Glenwood, and above Dotsero on Grand River, likewise in the Mosquito Range, and along the eastern flank of the Sangre de Cristo Range.

The life of the Carboniferous in Colorado, in common with that found elsewhere in the rocks of this age in the West, was throughout mainly marine; while in Eastern North America and in Europe the coal measures were mainly fresh water deposits, as shown by the numerous seams of coal, and by the remains of a luxuriant land vegetation.

Nowhere throughout the Rocky Mountains does it appear that the conditions necessary for the formation of coal (extensive swamps and exuberance of vegetable life) ever had more than a comparatively brief and extremely local existence. Sedimentation took place either in deep waters surrounding a precipitous coast, or along the shores of seas with strong currents; in the former case giving rise to calcareous deposits, and in the latter to sandstones and conglomerates. The Rio Las Animas strata are highly fossiliferous, especially below the mouth of Hermosa Creek, where crinoid stems, bryozoans, and characteristic Carboniferous marine shells are quite abundant. The remains of a few land plants, mostly ferns, are present in the exposures along the stage road running from Rockwood to Rico. Permo-Carboniferous shells are abundant at one point in the pinkish, or purplish, coarse sandstone exposed on the hillside a short distance west of Hermosa Creek. Marine fossils are likewise quite numerous in some of the Carboniferous strata above Dotsero on Grand River, especially near the mouth of Sweetwater Creek. Elsewhere in this series fossils are less abundant, though careful search will generally reveal them.

The great Palæozoic Era terminates with the Permo-Carboniferous, and the close of this period witnessed, everywhere, the extinction not

only of all Palæozoic species, but of nearly all the genera. The Permian was the period of transition from the Palæozoic to the Mesozoic,—from the ancient life era to the middle life era. In it the types of ancient life still predominated; while as precursors of the coming life true reptiles made their appearance, amphibious having already appeared earlier in the Carboniferous.

Comparing the Rocky Mountain Palæozoic with the corresponding era in Eastern North America, these facts are noticeable,—that the amount of sedimentation was much less,—that the conditions for the existence of life were probably less favorable,—that during the coal period the topographical conditions were unsuited to the growth of extensive swamps or marshes, necessary for the formation of continuous beds of coal, and finally,—that the era was not brought to a close by grand dynamic manifestations such as marked the great Appalachian revolution. The transition from the Palæozoic to the Mesozoic in Colorado took place without any serious break in the continuity of subsidence and sedimentation, so that the non-conformity between the rocks of the two ages is much less strongly marked than that already noted between the Carboniferous and the strata of Silurian or Cambrian Age.

MESOZOIC ERA.

This is the second grand division of time as applied to the development of terrestrial life, and the third in geological history. The three systems which it includes, the Triassic, the Jurassic, and the Cretaceous, are all represented in Colorado, the latter especially, beside being the best defined and most extensively developed geological system in the State, is likewise economically considered the most important, for it was the great coal-forming period of Western North America; in this respect bearing the same relation to Rocky Mountain geology, that the Carboniferous does to the Appalachian.

The close of the Palæozoic witnessed a marked change in the geography of the continent. By the Appalachian revolution nearly all the country east of the Mississippi, to the Atlantic shore-line, was perma-

nently elevated above the ocean level, forming an extensive land area in its main features corresponding to what we now find. In the country west of the Wahsatch, sedimentation continued on through the Triassic, when that portion of the continent also began to rise, and was probably dry land at the beginning of the Cretaceous. In the Rocky Mountain region, however, from Eastern Kansas to the Wahsatch Range, subsidence was more or less continuous throughout the entire Mesozoic, and the Colorado land areas were still but islands in the inter-continental sea. The dry land of the far western part of the State, remaining unsubmerged at the close of the Carboniferous, ceased to be such at the opening of the Mesozoic, for we find there the earliest sediments of this era reposing directly on the Archæan; indicating that this portion had not previously received sediments, and that it was formerly a Palæozoic island. The depression now represented by the basins of North and Middle Parks, which was probably a submerged area during the Palæozoic, although without any clearly established ocean connection, was undoubtedly submerged to a still greater extent during the Mesozoic, and formed a large salt-water bay directly connected by a narrow outlet with the main sea to the westward.

The two principal islands shown on the map as probably entirely separated during the early part of the Palæozoic were, as previously stated, no doubt permanently connected toward the north during the Carboniferous, and so remained throughout the Mesozoic. As all the systems of this era possess points of interest, it will be best to describe them separately, beginning with the beds of the oldest.

TRIASSIC PERIOD.

Of the Colorado rocks referred to this period only the lower, non-fossiliferous portion can be regarded, with any degree of probability, as the equivalent of Triassic beds elsewhere. The middle and upper portions, found to be fossiliferous in Southwestern Colorado, are probably the equivalent of similar strata in New Mexico; referred by Prof. Newberry, on palæontological grounds, to the horizon of the Rhetic beds of

Europe, which are considered as passage-beds between the Triassic and Jurassic systems as there developed.

The Rocky Mountain Triassic series has been designated Jura-Trias by Hayden, Le Conte and others, in view of the possibility that the extreme upper portion may be of Jurassic age. There is very little doubt but the upper members of the system as developed in Colorado, are older than the Jurassic of Europe, while the lower members are probably referable to the Triassic proper, so far as they can be separated from similar fossiliferous rocks belonging to the Permo-Carboniferous. This separation is not easy anywhere in the State, and in a few places, notably on the eastern flank of the Sangre de Cristo, the passage-beds between the strata evidently of Carboniferous age on the one hand, and of Triassic age on the other, are probably over 2,000 feet thick west of the Spanish Peaks. To a less extent the same is true all over Colorado where these beds outcrop,—there is always a non-fossiliferous zone of heavy-bedded sandstone, merging into the recognizable Triassic above and into the Carboniferous below, without any defined line of demarkation between them.

On the eastern flank of the Front Range the entire series is non-fossiliferous, and rests directly on the Archæan. The strata are assigned to the Triassic principally on account of their position with reference to the overlying Jurassic beds, their lithological character, and prevailing brick-red color. This pronounced coloration, so commonly observed in the Triassic of the Rocky Mountains, has led to their being designated the "Red Beds," a term often applied to the system in the West. The red sandstone so much used for building in Denver is mostly of this age.

One of the most familiar occurrences of Triassic rocks is the red sandstone so conspicuously exposed at the gateway to the Garden of the Gods. The same bed of sandstone outcrops frequently along the base of the Front Range northward to the Wyoming line; while southward it is found at Cañon City, in the Greenhorn Mountains, and along the eastern base of the Sangre de Cristo, where it is continuously exposed, underlying the Jurassic clays and shales as in Northern Colorado.

The Red Beds are yet more fully developed west of the continental divide. From the northern to the southern boundary of the State, and throughout the western part, in localities high up toward the summits of the mountains, and in the deep gorges of all the principal streams, Triassic rocks are frequently exposed. Among the most noteworthy occurrences may be mentioned those along the main Grand River, and its tributaries, the Roaring Fork and Eagle River.

Conspicuous examples may be seen in the exposures at Red Cañon, Glenwood, and North Cañon Creek on the main stream; and around Mount Sopris on the Crystal River branch of Roaring Fork.

The most complete series of Triassic rocks in Colorado is found in the southwestern part of the State. They are exceptionally well developed on the western slope of the San Juan Mountains,—on the Rio Las Animas,—on the Rio Dolores for a large part of its length,—on the Rio San Miguel,—on the Uncompahgre, in fact, on every principal stream tributary to the Grand and San Juan.

Probably the most typical section is that seen in the valley of the Rio Las Animas where, in addition to the Red Beds, all the geological terranes of the State, from the Carboniferous to the Wahsatch Tertiary inclusive, are clearly exposed in stratigraphical order, dipping westerly and successively disappearing as they reach the level of the river. In the Rio Animas section the Triassic includes three fairly well marked divisions, consisting of about 1,200 feet of brownish-red sandstone at the base, 200 feet of brick-red sandstone at the top, and at the middle about 200 feet of alternating calcareous conglomerate and drab-colored sandstones. This middle division is the fossiliferous zone of the series, and can be traced northward to the Rio San Miguel; but with the upper division thins out entirely just north of that stream. It does not appear in Northwestern Colorado unless represented by a thin bed of similar conglomerate, containing bone fragments, occurring on Red Dirt Creek near Grand River. The drab-colored sandstones have yielded imprints of land plants, and on the San Miguel, specimens of imperfectly preserved fishes probably allied to the genus *Catopterus* common

in the Triassic rocks of the Atlantic coast. The bands of conglomerate invariably contain reptilian remains consisting of teeth and scattered fragments of bone.

Throughout the Triassic Period the deposits were formed in shallow seas, and frequently subjected to the action of strong currents; hence, the conditions were favorable to the production of sandstones and conglomerates, and unfavorable to the production of limestones and other rocks of deep-sea origin. The general absence of the latter, and of the remains of marine life, are marked features of the exposures of this age in the Rocky Mountains.

Reptiles, which first made their appearance near the close of the Palæozoic Era, are everywhere recognized as the dominant class in the animal life of the Triassic Period, and to have so continued through the remainder of the Mesozoic; for which reason the latter has been appropriately styled the Age of Reptiles. The abundance of fragmentary saurian remains in the bone-conglomerate of the southwestern part of the State, and the paucity of all other animal remains in the same beds, indicates very strongly that the reptilian was also the dominant form during the Colorado Triassic; though as compared with other parts of the world the system is less well-defined, and the life but little known.

JURASSIC PERIOD.

The rocks of this period in Colorado are nearly co-extensive with the Red Beds which they succeed, and even in the few localities where they have not been recognized, certain beds are found which may be partly, or wholly, of Jurassic age.

Along the eastern base of the Front Range the system is represented principally by limestones, shales, and variegated clays, of which the uppermost strata are designated by Marsh the *Atlantosaurus* Beds, from the remains therein discovered of a genus of Dinosaurs,—the most gigantic of known reptiles, living or extinct. The enormous bones of this Dinosaur were first brought to light, by the explorations of Prof. A. Lakes, of Golden, in the Jurassic beds along the foot-hills.

West of the continental divide the beds of this age are lithologically similar to those of the Front Range, but have nowhere a thickness of more than a few hundred feet. They are usually present in the Mesozoic sections of Northwestern Colorado and have been identified by Hayden on the Rio Dolores, and elsewhere in Southwestern Colorado. Typical Jurassic beds have not been reported as occurring in the San Juan Mountains, though on the upper San Miguel a limited thickness of non-fossiliferous strata, sandwiched in between the Red Beds and the Dakota Cretaceous, and containing bituminous limestone, is thought to be of this age.

Along the eastern base of the Sangre de Cristo Range, from the Huerfano River southward to the line of New Mexico and probably beyond, there are exposures of typical Jurassic beds underlying the upturned, and usually quite prominent, Dakota sandstone.

Jurassic beds are likewise well exposed in Wyoming, from which the remains of marsupial mammals have been identified and described by Marsh.

The presence of some limestone in the Rocky Mountain Jurassic indicates the occasional existence of marine conditions. At other times lacustrine conditions prevailed, and the beds may be in part of brackish-water or fresh water origin.

While plant life is not represented, the remains of huge herbivorous reptiles point strongly to a luxuriant growth of land vegetation, probably confined largely to the low marshy shores of the shallow Jurassic seas.

The earliest known forms of mammalian life, the few small marsupials which first appeared in the latter part of the Triassic of Europe and Eastern North America, show an increase in the number of species in the Jurassic.

These diminutive forms appear in the Rocky Mountains, for the first time, in the *Atlantosaurus* beds of Colorado and Wyoming, associated with the remains of great numbers of gigantic Dinosaurian reptiles.

CRETACEOUS PERIOD.

The Cretaceous is the most extensively developed of all the geological systems in Colorado, and is, economically considered, also the most important, since it contains our great coal-measures.

The rocks of this age form broad surface exposures, or are found immediately underlying the soil and drift throughout nearly the entire plains country east of the mountain border, the noteworthy exceptions being the eruptive overflows of Las Animas County,—the Monument Creek Miocene Tertiary, on the Arkansas-Platte divide,—the White River Tertiary in the northeastern corner of the State, and probably patches of Pliocene Tertiary along the eastern margin near the Kansas and Nebraska line. They are also prominently developed in the western half of the State, but are not to the same extent exposed owing to the presence of the more recently deposited Lower Tertiary beds occupying the Uinta and San Juan basins.

The Cretaceous system, as defined in the Rocky Mountains, has been separated into a number of well-marked terranes, distinguished from each other by remains of characteristic fossils, and more or less pronounced lithological features. The second epochs recognized are designated as Dakota, Fort Benton, Niobrara, Fort Pierre, Fox Hills and Laramie,—the relative age corresponding to the order given. Originally they were known as Cretaceous No. 1 to No. 6 respectively.

The Dakota and Laramie terranes,—that is, the upper and lower,—were formed in shallow, brackish-water seas, and contain remains of land plants; for which reason they are always separated from the intermediate members, the latter being altogether of marine origin. On this ground some geologists are inclined to combine all of the marine beds into one great group termed the “Colorado,” referring all of the Cretaceous above to the Laramie, and all that is below to the Dakota. The majority, however, restrict the name Colorado to the two lower members, the Fort Benton and Niobrara; while the upper members, the Fort Pierre and Fox Hills, are by Hayden and others termed merely Upper and Lower Fox Hills. Recently the name “Montana” has been sug-

gested to designate the group including the upper half of the marine beds, to avoid discarding the old formation name of Fort Pierre, while still retaining that of Fox Hills, both being comprehended under the term Montana group, where it is not possible or desirable to separate them.

A description of all these terranes in detail, would be out of the question, and to economize space they will be referred to as Dakota, Marine Cretaceous, and Laramie; the latter being the most important economically, will be considered at greater length than the others.

DAKOTA EPOCH.

The Dakota, or lowest of the Cretaceous beds in Colorado, is represented by a varying thickness of sandstone up to 700 feet, the greatest development being in the southwestern part of the State, and the least along the eastern border of the Front Range. Wherever the sedimentary beds are upturned on the flanks of the Rocky Mountains the Dakota sandstone can usually be found projecting above the softer overlying and underlying shaly strata, and in Southwestern Colorado its exposures cover a comparatively large area of country. Along the eastern base of the Sangre de Cristo, and west of the Spanish Peaks, the upturned sandstone of this epoch stand up conspicuously above the adjacent country, forming in western Las Animas County what is called the "Stone Wall." Near Golden the Dakota contains the important bed of fire clay, and in Ouray, San Miguel, Dolores, La Plata and Mesa Counties, it contains limited quantities of workable coal. The coking-coal near Rico, the semi-anthracite near the mouth of Dallas Creek on the Uncompahgre, and the bituminous coal on the Gunnison near Grand Junction, belong to this epoch. Much of the sandstone used for building and paving is of Dakota age.

In a few places, notably at Golden, it affords remains of land plants, indicating nearness to the shores of a shallow, brackish-water sea. Although the oldest of the Cretaceous series in Colorado it is more recent than the Trinity and Comanche beds of Texas,—beds which are now

regarded as the oldest Cretaceous of America. It is worthy of remark, however, that certain pinkish and light-colored massive sandstones, underlying the Dakota proper on the Rio Dolores, the Rio Las Animas, and elsewhere, and reported as Lower Dakota by Hayden, may be the Rocky Mountain equivalent of the Trinity sandstones.

The Dakota Epoch marks the first appearance of the modern types of vegetable life in Colorado. The abrupt introduction of a radically new and dominant flora, differing so widely from that of the Jurassic, points to a great break in sedimentation, and an elevation of the land above ocean level for some distance away from the Jurassic shore-line during the early Cretaceous. While the latter conditions prevailed in the Rocky Mountains, a great thickness of sediments accumulated in Texas and along the Atlantic coast; represented by the Trinity and Comanche beds of the former, and the Potomac beds of the latter. It is in the last named that the earliest representatives of the modern types of plant life in America first appear,—types from which the existing ones have been, through long ages, gradually developed.

MARINE CRETACEOUS.

Succeeding the Dakota are marine beds consisting of shales, clays, limestones, and near the top, sandstones, aggregating usually from 3,000 to 3,500 feet, occasionally more. They form extensive exposures in Southeastern Colorado, and are prominent in the valleys of all the principal streams west of the continental divide. Along the eastern base of the Front Range, in Northeastern Colorado, the upper part is known to contain Fox Hills, Fort Pierre fossils. The same beds cover large areas in the western part of Kansas and Southern Nebraska, are extensively developed in Northern New Mexico, and to some extent in Eastern Utah. In a few localities the shales of the Marine Cretaceous outcrop high up on the mountains, and on the divide south of Mount Wilson there are typical exposures at an altitude of 11,000 feet above sea level. The lower members of the series, or what would be considered as belonging to the Colorado group, are well shown in the vicinity of Pueblo,

and along the valley of the Arkansas River. At Florence near Cañon City the Montana beds contain the petroleum for which that locality is noted.

The Marine Cretaceous of Colorado abounds in the remains of the marine life of the times. Among the most interesting forms were the coiled and straight-shelled Cephalopods, which appear to have existed in vast numbers in the Cretaceous seas, and whose remains are common in many Colorado localities. The order of Cephalopods first appeared in the Lower Silurian, being then represented by the straight-chambered *Orthoceras*, which was followed later in the Palæozoic by the coiled *Goniatites*, *Ceratites*, *Ammonites*, *Baculites*, *Scaphites*, *Heteroceras*, *Helicoceras*, with other genera, appeared in the Mesozoic, and with the exception of *Ceratites* are all abundantly represented in the Cretaceous beds of the Rocky Mountains and of Colorado. Of the Mesozoic Cephalopods only one genus, the *Nautilus*, has survived to the present time, although the order is still represented by a greatly diminished number of genera and species. The Cretaceous forms were probably the progenitors of the Octopus, Cuttlefish and other genera of existing seas, and their gradual development from the ancient *Orthoceras* constitutes an interesting and instructive page in the history of marine life.

Of the vertebrate life of the Marine Cretaceous, so far as concerns Colorado, little is known. The rich fauna obtained by Marsh, from the beds of this age in Kansas, no doubt indicates the life common also to the eastern half of Colorado. In what are designated by Marsh, the "Pteranodon beds," are found the remains of huge, toothless, flying lizards, allied to the *Pterodactyles*. Some species measured twenty-five feet between the tips of the wings. Other remarkable forms from Kansas are the *Odontornithes*, or birds with teeth, either arranged in grooves (*Odontolcæ*), or in sockets (*Odontotormæ*) which were first discovered, and their peculiar characters investigated by Prof. Marsh. Associated with these were countless numbers of Mosasauroid reptiles, highly characteristic of the age in America. They were slender, snake-

like forms, provided with paddles, and some of the species were probably the longest reptiles that ever existed.

Other kinds of organisms characteristic of the Cretaceous generally were not wanting in Colorado. The chalk of Europe, which consists wholly of the remains of Foraminifera, is not represented, lithologically, in the Cretaceous of the Rocky Mountains; but there are, in Colorado, beds of calcareous shales, which appear to be mostly made up of the remains of Foraminifera similar to those of the chalk. These minute organisms still exist in countless millions, but only under pelagic conditions, or at great depths in the ocean, where the remains form the well-known deep-sea ooze. The absence of Foraminifera from shallow seas points strongly to the deep sea origin of all calcareous rocks containing them; hence we may conclude that during the Marine Cretaceous, or rather during a large part of it, the Colorado archipelago was surrounded by deep seas, resulting from the final subsidence of the land which terminated the shallow water conditions of the Dakota Epoch.

With the close of the Marine Cretaceous ended the long period of true marine sedimentation in the Rocky Mountains. Previously there had been two grand revolutions in the geological history of the continent. First, the Appalachian at the close of the Palæozoic Era. Second, the Sierra Nevada revolution at the close of the Triassic. The third, or continental revolution, may be said to have begun at the close of the Marine Cretaceous; though for some time there continued to be oscillations of the land, which permitted occasional submergence, for brief periods, by the ocean, and the introduction of marine life. Brackish water sedimentation then began on an extensive scale, and probably continued through the greater part of the succeeding or Laramie Epoch; the last and most important of the Mesozoic terranes.



CHAPTER II.

INTRODUCTORY REMARKS—LARAMIE EPOCH—EXTENT OF THE COAL MEASURES IN COLORADO—GRAND RIVER FIELD—YAMPA FIELD—LA PLATA FIELD—RATON FIELD—NORTHERN COLORADO FIELD—NORTH PARK FIELD—CANON CITY, SOUTH PARK, AND TONGUE MESA DISTRICTS—ESTIMATION OF THE AREA OF THE SEVERAL COAL FIELDS—ESTIMATION OF THE PROBABLE TONNAGE OF AVAILABLE COAL IN THE COMBINED COLORADO FIELDS—PHYSICAL CONDITIONS ATTENDING THE CLOSE OF THE LARAMIE EPOCH—LIFE OF THE LARAMIE.

The economic map of Colorado, included in the Geological Atlas published by the general government, is based on observations made by the geologists attached to the survey under Prof. Hayden; and since their work was merely preliminary it is not to be expected that they could do justice to our coal fields, which no doubt ought to have been made the object of a special detailed survey. Indeed, it would have been more to the interest of the State if the matter of our coal resources had not been touched upon; for nothing could be more unsatisfactory, not to say misleading, than the chapter on lignitic coals contributed by Marvine to Hayden's Report for 1873, based as it is on a mere inspection of the Northern Colorado districts, which produce the most inferior coals mined in the State. So likewise, with the economic map, in which large sections of country, worthless for coal, are represented otherwise, and highly valuable workable areas are entirely overlooked.

The reports which appear from time to time in the United States Mineral Resources are creditable, and so far as they go, entirely just to Colorado mines; but they are necessarily largely statistical, and lengthy descriptions, involving comprehensive details, would be out of place in such a work. Yet these reports and those of Hayden, contain the sum of our literature on this important subject. This being the case, where

shall one who seeks for exact information regarding our coal resources turn for aid ?

Clearly this question can only be answered when the results of an organized systematic survey, under State control, shall be given to the public. It would certainly seem that work of this kind, impressed with the stamp of official authority, would at this stage of our progress, be of great benefit to Colorado, and exercise a direct influence on its industrial development.

The lamentable want of trustworthy information, on the subject of our coal resources, is the writer's apology for bringing forward the brief and imperfect description of Colorado coal fields presented in this chapter.

LARAMIE EPOCH.

The strata of the Laramie were for a long time regarded by palæobotanists as Lower Tertiary, for the reason that the flora first studied, and which was thought to contain many species common to the Eocene (Lower Tertiary) of Europe, was obtained near the very summit of the series; while the beds near Golden, that have afforded a large number of so-called Laramie species, are now known to be erosionally unconformable with the Laramie proper. The Golden beds extend over a large area in the Denver basin, and are hence termed the Denver Beds.

The question of their age is still unsettled. The flora is regarded by Newberry as Upper Laramie, a conclusion supported by the decidedly Mesozoic aspect of the vertebrate remains in which the Dinosaurs predominate, though there are a few forms which in their affinities approach nearer to Tertiary types. At present, however, so far as regards the Laramie proper, few will question the propriety of its assignment to the uppermost Cretaceous, which makes it the closing epoch of the Mesozoic Era in Western North America.

The terms, "Post-Cretaceous," and, "Lignitic," often applied to the Laramie series, are now nearly obsolete, the former for the reasons just stated, and the latter for the reason that it originated in the erroneous impression that the coals were merely lignites; whereas, it is now well

known that all the varieties of bituminous coal common to the Carboniferous are common to the Laramie also. What the Carboniferous is to the Appalachian region and to Europe, the Laramie is to the Rocky Mountains, it being, pre-eminently, the coal-bearing formation throughout the West.

The deep sea conditions of the Marine Cretaceous ceased with the beginning of the Laramie, when sedimentation took place in shallow, brackish-water seas, or alternated with periods during which extensive swamps, covered with an exuberant growth of semi-tropical vegetation, served for the accumulation of vast peat-like deposits, which were afterward submerged and covered with sediments.

This alternation of conditions, due to the irregularity of the subsiding movement, continued throughout the Laramie, or up to the time of the continental revolution, which closed the Mesozoic and permanently elevated the western half of the continent above the ocean level.

The rocks of the Colorado Laramie have everywhere nearly the same lithological characters. There is usually at the base,—and directly overlying the Marine Cretaceous—a stratum of sandstone, from 100 to 200 feet thick, massive in the upper half, and often containing fucoidal remains (sea-weeds) in the lower half. Above this basal band of sandstone, which is much used for building purposes, are others, separated from each other by shale-beds of varying thickness. These alternating shale-beds gradually decrease in thickness until, finally, at a distance of from 1,000 to 2,000 feet above the base, sandstones largely predominate. The workable coal-seams are confined to the lower portion of the formation, or to the lower 1,500 feet. In Northeastern Colorado there is also a series of shales and sandstones which has been referred to the Upper Laramie, and which contains coal,—seams of workable thickness, but too inferior in quality to furnish a marketable product. The Lower Laramie ranges in thickness from 3,000 to 5,000 feet; the Upper Laramie about half as much more, although the line of separation between the two formations is, to a great extent, arbitrary.

EXTENT OF THE LARAMIE COAL MEASURES.

The amount of exact information available, regarding the extent and development of the Laramie, is very insufficient, and rather a matter of surprise considering its importance as a coal-bearing formation, to Colorado and the prairie States. Of the area of available measures still less is known, so that the tabulated estimates given beyond are approximative only, and liable to considerable modification whenever systematic surveys shall have demonstrated the full extent of what is doubtless destined to become the most valuable and lasting of our mineral resources.

While the workable measures throughout the State, excepting a few isolated areas in the Dakota, are probably of contemporaneous origin, they are not continuous, but are divided by areas of denudation, and by the main range of the Rockies, into six distinct fields; viz., the Grand River field,—the Yampa field,—the La Plata field,—the Raton field,—the North Park field, and the Northern Colorado field; besides three small but important districts, hereafter mentioned, and a limited area in the Dakota Cretaceous of Southwestern Colorado, which is likewise included in the estimates.

GRAND RIVER FIELD.

This field is so named for the reason that the most valuable, as well as the most accessible, part of the measures is situated on the drainage of Grand River, and its tributaries in Gunnison, Pitkin, Garfield and Mesa Counties; although a large, but less accessible, part of the field lies on the drainage of White and Yampa Rivers.

Beginning at the southern extremity of the field near Crested Butte, where valuable beds of anthracite and coking coal are worked, the outcropping measures can be traced with but little interruption, around Mount Carbon, to the mines of domestic coal at Baldwin, and thence westward to Mount Gunnison, where, on Coal Creek, large seams of semi-coking coal are exposed. From Mount Gunnison the outcrop continues westward across the North Fork of the Gunnison River and

around Grand Mesa to Hogback Cañon on Grand River, about sixteen miles above Grand Junction. From Hogback Cañon to the Utah line the outcrop conforms to the trend of the Little Book Cliffs, along which the measures are traceable to Green River; and extending beyond, probably underlie a large part of the country east of the Wahsatch Range.

Along the opposite margin of the field the outcropping coal-seams are also readily traceable. Sweeping westerly from Crested Butte they skirt the western slope of the Anthracite Range, the southern base of the Ragged Mountains, and appearing for a short distance on Crystal River, again trend westward into Coal Basin. From Coal Basin northwesterly, the measures outcrop along the Huntsman's Hills, through Jerome Park, and on to Piñon Basin and Newcastle. At this point the Laramie exposures following the course of the Great Hogback, cross to the north of Grand River, and pursuing a northwesterly—and then a northerly—course, continue uninterruptedly to White River, where the coal-seams are well exposed a few miles below Meeker. From there the outcrop trends, in a great elliptical curve, northward in the direction of the Yampa, and continuing the curve, again appears on White River a few miles below the mouth of the Pi-ce-ance. Thence it follows the course of the Uinta fold across the State line into Utah, and on to Green River. This is substantially the outline of what is the largest and most important of known Rocky Mountain coal fields, or rather the boundaries of the Colorado portion of it. Regarding the Utah extension of this field little is known beyond the existence of workable coal at a number of points between Green River and the Wahsatch Mountains; indicating the probable continuance of large areas of accessible measures as far west as that range.

The coals of the Grand River field show a wide variation in character and composition, although throughout they are found to be of very superior quality. The Anthracite Range and Ragged Mountain coal, as also part of what is contained in the limited area on Crystal River, and on Slate River near Crested Butte, is anthracite and semi-anthracite of excellent quality, but variable in thickness and contained in beds much

broken and fractured, so that but a small part of the total anthracite acreage can be profitably worked in the regular way. So far as known, the total area of available anthracite and semi-anthracite, will not exceed 3,000 acres, unless further exploration in the Elk Head Mountains and Grand Mesa, should develop a larger area than these localities now show. In Coal Basin and northward along the eastern border of the Huntsman's Hills, also in Jerome Park, the coal is an excellent coking variety, and the seams that are of workable size and accessible, aggregate as much as thirty feet of clean coal. From the southern extremity of Coal Basin to the northern end of Jerome Park, a distance of nearly twenty miles, the seams furnish only coking-coal. To what distance back of the outcrop the coal will continue to be of this character can hardly be conjectured; nor is it yet clear to what cause the alteration of the coal in this district is directly attributable beyond the probability that it was induced by the intrusion of the dykes, and large masses of eruptive rock, which occur in that neighborhood. For economic purposes it is unnecessary to speculate on the distance to which the coking-coal extends beyond the working limit, and there can hardly exist a doubt of its retaining its character to that extent.

In Coal Basin the seams have an inclination of from 9° to 15° , and can be mined, in places, a long distance back of the outcrop. North from Coal Basin the seams soon become highly inclined, having a dip of about 40° in Jerome Park, so that there the limit of profitable working will be sooner reached than in Coal Basin. Altogether, the total area of available coking-coal in this district may reach thirty-five square miles. In the Crested Butte district the area of coking-coal is quite small, the seams graduating into dry domestic coal on one side and into semi-anthracite on the other.

From Jerome Park, along the Great Hogback, to the head of the Pi-ce-ance, there is a noticeable increase in the inclination of the measures. At South Cañon, Piñon Basin, Newcastle, and Dry Gap, the dip is about 57° , while at Rifle Creek Gap it is not less than 80° . From there the dip gradually diminishes until it is about 30° at the upper

exposures on White River. The inclination of overlying conformable strata, everywhere indicates that the dip of the coal measures decreases rapidly after leaving the outcrop, a fact which explains the absence of high inclination in Coal Basin where the beds have been eroded to a distance of several miles back of the general line of the exposures.

The character of the coal along the Hogback varies considerably in the different seams, though it all belongs to the class known to the trade as "domestic," being similar to the European varieties, "splint," and "cherry," the best adapted of all soft coals for domestic uses. As a rule, the upper measures furnish the cleanest and dryest coal, while the lower, owing to greater thickness, are capable of producing the largest quantity. The dry coals of the Cañon City and Piñon Basin type, which coke but slightly or not at all, are usually less sooty than semi-coking coals, and these in turn than coking-coals, which form too much soot to use as a domestic fuel. Hence the importance of the Garfield County product, which is well suited to meet the requirements of the growing demand from the prairie States.

The total thickness of available coal along the Great Hogback exceeds what has been observed elsewhere in the Colorado fields, the measurements made at a number of points indicating about fifty feet as the average aggregate thickness, for while in places it is greater, the added amount will usually include more or less impure and unmarketable material.

North and west from Meeker, in fact, so far as regards all the country north of White River, the measures are generally but slightly inclined, or of medium inclination, becoming highly inclined near the Utah line, under the influence of the Uinta fold. The coal possesses the same characters observed in the seams of Garfield County, being exclusively of the domestic kind. This part of the field has been but little explored and in no place has the entire series of seams been opened up; consequently, in assigning an average workable thickness of coal, the true thickness cannot be given. It may be assumed, however, that the minimum thickness of twelve feet, the least anywhere observed where

openings have been made, will not exceed the true amount, and it is highly probable that future explorations will prove the latter to be much greater.

The slightly inclined or nearly horizontal measures of the southwestern margin of the field includes the entire outcrop between Mount Gunnison and a point about five miles west of Hogback Cañon on Grand River, with the addition of limited areas near Baldwin and Crested Butte. Along the Little Book Cliffs, north of Grand Junction, the inclination reaches, in places, 18° , which is the maximum dip observed in that part of the field. With the exception of the limited area in the Crested Butte district, which contains coking-coal and anthracite, and possibly a small section of country near Mount Gunnison, the whole of the coal of the southwestern border is of the semi-coking kind, and of good quality for domestic requirements.

The thickness of available coal, assigned to this portion of the measures, is partly based on measurements, and partly assumed. On the North Fork of the Gunnison the aggregate thickness of workable beds is known to be as much as fifty feet; but around the western extremity of Grand Mesa only an aggregate of fifteen feet has been discovered. Taking into account the possible existence of unworkable areas around the comparatively unexplored Grand Mesa outcrop, which is to some extent troubled by a great eruptive overflow, an aggregate available thickness of twenty feet is thought to be a conservative estimate. With the central part of the field we need not concern ourselves, since it is buried under from 5,000 to 10,000 feet of later sedimentary accumulations, and is therefore practically inaccessible.

YAMPA FIELD.

This field contains a total area of about 950 square miles, and is situated altogether on the drainage of the Yampa River. Though separated from the Grand River field by an area of erosion, it was probably at one time continuous with it, and also with the Southern Wyoming field, with which it may still be connected beneath the

eruptive overflow of the Elk Head Mountains. Including a fractional part of the Wyoming field, which extends southward into Colorado, the total area will approximate 1,100 square miles.

At present writing not a single productive mine has been opened in this field, and beyond the few shallow openings from which farmers and blacksmiths are supplied with fuel, the explorations are superficial and unimportant. Natural exposures showing a workable thickness of coal are quite common around the margin of the measures, and also in localities where they have been deeply eroded by water-courses. On the north side of the Flat-Top Mountains there are four workable seams exposed in a vertical distance of less than 100 feet. In the region of the Elk Head Mountains the coal has, in a few places, been altered to anthracite, and semi-anthracite, by the intrusion of thick sheets of eruptive rock into the adjacent strata during a former period of eruptive activity. On the head of the Dry Branch of Elk Head Creek the outcrop of a seam of anthracite, from seven to eight feet thick, has been drifted into at several points in a distance of about 1,500 feet, showing a very good article of fuel; to which, however, little value can be attached, until the existence of a large available area has been demonstrated, owing to the uncertainty of anthracite occurrences depending on the proximity of lava intrusions, and the necessity of a certain assured quantity to justify railway extension to so remote a point. Other, but smaller, seams of anthracite are exposed, about fifteen miles distant, on Elk Head Creek, but are of doubtful economic importance, as the coal soon changes into a bituminous variety.

The soft coal of this field is essentially of the same character and composition as that of the Grand River field, being a slightly-coking domestic coal of excellent quality.

The average thickness of available coal assigned to this field is thought to be justified by the known thickness exposed at various points around the outcrop. It should be noted, however, that a very careful survey will be required to determine, even approximately, the total quantity of available coal, principally owing to the presence of numerous

flexures, and consequent irregularities of dip, which bring to the surface and make available, considerable areas in the central part of the field.

LA PLATA FIELD.

The La Plata field has been but little explored, being remotely situated with reference to trunk lines of railway, either present or prospective. As defined on the accompanying map it includes all the known Laramie exposures lying north of the New Mexico line, and is really the Colorado portion of a larger field extending beyond the State boundary southward. The area of the La Plata field in Colorado is estimated at 1,250 square miles.

The greater part of the outcropping measures are but slightly inclined, especially in the Rio Mancos and Rio San Juan regions. On the Rio La Plata the inclination of the beds is generally less than 10° . East of the Rio Las Animas the dip increases, and on the Rio Florida the measures are highly inclined. Openings, exposing a workable thickness of coal, have been made on the Florida, Animas, La Plata, on Cherry Creek, and at a number of points in the vicinity of the Mancos; while natural exposures of thick coal are frequently met with, and are quite noticeable on the San Juan.

The general character of La Plata coal remains to be investigated. The sample tested by the War Department—by a method which is open to serious objections, since all fuels are subjected to the same treatment without regard to character or composition—indicated the evaporating power to be near that of Trinidad coal, which is considered by the trade to be above the average as a steam fuel. In all probability the most of the coal from this field will be of the semi-coking kind, owing to distance from centers of eruption, the exception being that which occurs in the neighborhood of the La Plata Mountains, and which at Durango is a true coking coal. It may be stated here that the result of observation on Rocky Mountain coals proves, beyond question, that the several varieties owe their origin to different degrees of alteration, produced in common lignite by the direct, or indirect, influence of neighboring

eruptive masses, and that the amount of alteration is greater the nearer the measures are situated to eruptive centers.

Until the La Plata field shall be more thoroughly explored, it will be impossible to estimate the thickness of available coal with any degree of certainty. The so-called "Mammoth" vein at Durango, which is of extraordinary thickness, is really an aggregation of small seams separated from one another by bands of shale, on the whole capable of producing large quantities of coal. Other seams of workable size, but higher in the measures, have also been exposed in the vicinity. So far as known, the Mammoth coal beds, except in a contracted form, are not continuous through the entire field, but are confined to the region about Durango; hence, the total thickness available in that district, is phenomenal, and ought not to figure in an estimate of the total available coal. At the best, any estimate that can be given will be little more than a guess, and such it must be candidly admitted is the nature of the one presented beyond, which is therefore merely intended as a substitute for the more accurate figures which future surveys may be expected to furnish.

RATON FIELD.

The Colorado portion of the Raton field has been more thoroughly explored than any other coal-containing area of corresponding size in the State, consequently the statements here presented are thought to approach very closely the actual facts.

In calculating the total area of available and unavailable measures in this field, all that portion lying north of the Cuchara River, and west of the meridian of La Veta, has been rejected as not coal-bearing to a workable extent. So also the extensive area of Laramie beds lying east of the 104th meridian, which are represented by Hayden as coal bearing, but which up to the present time have not been shown to contain seams of workable thickness. The propriety of including such large areas of barren measures in the coal land of the State is open to question. No useful purpose is served thereby. As well might we include the whole of the Dakota Cretaceous, because it contains workable coal in South-

western Colorado. Wherever a workable thickness of coal can with reason be supposed to exist, that portion of the measures should certainly be included as coal land, no matter what limit we may, for the time being, assign to the available coal; for we know not but the requirements of coming ages, aided by vastly improved methods of mining, may indefinitely extend this limit. Excluding, also, about thirty square miles for the eruptive areas of the Spanish Peaks and Raton Mountains, the entire field in Colorado will embrace a total of 1,300 square miles. East of Gray's Creek the margin of the measures has not been carefully outlined, so that the above figures may be in error to the extent of a few square miles; a contingency that will not materially affect the available tonnage, since the coal in that part of the field is thin, and the calculations are affected more by length of accessible outcrop, irrespective of smaller meanderings, than by width of area. Throughout the remainder of the field the margin has been located, with a fair approach to accuracy, by reference to established section corners,—a work for which the State is indebted to the enterprise of the Colorado Fuel Company.

The least important part of the measures outcrop just east of the base of the Sangre de Cristo Range, and extend from the northern line of New Mexico, west of the Spanish Peaks, to a point a short distance south of Veta Mountain, beyond which the seams cease to afford a workable thickness of coal, or at least such has yet to be found. Along the northern extent of this outcrop the inclination ranges from 40° to 80° , and at present coal is only mined for local consumption on Middle and Indian Creeks. West of the Spanish Peaks, for a distance of nine miles, intrusive sheets of lava have transformed the coal into natural coke, too poor in quality and irregular to be of any economic value. About a mile north of Coal Creek the eruptive intrusions terminate, and from there southward the seams are of workable size, but inclined, in places, as much as 25° ,—a dip less desirable in mine workings than one much greater. A large number of

superficial openings demonstrate fairly well the continuity of the coal and its semi-coking or domestic character.

Along the eastern margin of the field, which is now the scene of extensive mining operations, we find the workable coal thinning out a few miles south of Badito. In the next township east the coal has a persistent thickness of about five feet and an inclination of 14° . The inclination diminishes rapidly going southward, rarely exceeding 7° along the next fifteen miles of continuous and well defined outcrop, which extends through Townships 28 and 29, in Range 66.

This part of the measures includes the important mines of Rouse, Walsenburg and Pictou. At the two last mentioned localities there are three productive coal beds, aggregating about fifteen feet in thickness, known respectively as the Cameron, Walsen and Robinson seams. Of these the Cameron seam, the lowest in the measures, affords the best quality of coal. This seam, which is only thirty-nine inches thick at Walsenburg, expands to six feet at Rouse, where it is the only coal mined, and in fact the only workable seam, the others being transformed into coke by lava intrusions. At Santa Clara, and beyond nearly to Cañon Salada, it is still of workable size, aggregating, with the Walsen seam, thirty-five feet above, about ten feet of coal.

Between Cañon Salada and the Apishapa the outcrop has been scorched by intrusions of lava, and probably not to exceed an average of three and one-half feet of coal will be extracted from it. In the Apishapa Valley there are two seams exposed, aggregating about eleven feet of coal.

All the coal in the above districts is of the slightly-coking domestic kind, varying in quality with the different seams, the lower or Rouse-Cameron seam affording the best coal for domestic purposes, mined in this field. The Apishapa Valley coal cokes more strongly than the Rouse and Walsenburg coal, and will be found more sooty, but it is nevertheless a good quality of coal.

In the district south of the Apishapa, embracing the Cañon de Agua, Stock Cañon and Road Cañon mines, there is an upper as well as

a lower series of workable seams. The former contains the best quality of coal, of about six and one-half feet in thickness, while the latter series aggregates about twelve feet. South of the Apishapa the coking character of the coal becomes more pronounced, improving its value somewhat for steam purposes, but rendering the product less desirable as a domestic fuel. Such is the character of the most of the coal from the district just mentioned. There is also considerable true coking-coal of fair quality, but drier if anything, than Engleville or Sopris coal. Between Road Cañon and the Purgatoire River,—a district which includes the Chicosa, or Tingly Cañon mines,—the measures usually afford a workable thickness of coal, strongly-coking in character, but yet too dry to make beehive coke.

Where the outcrop crosses the Apishapa the inclination is about 17° , but decreases rapidly westward or away from the outcrop. In the districts south of the Apishapa the inclination in no place exceeds 7° .

In the Trinidad district there are usually two workable seams present, occasionally three, belonging to the lower series; and always one and often two belonging to the upper Cañon de Agua series, outcropping from 800 to 1,000 feet higher in the measures. None of these seams maintain a continuous workable thickness over large areas, but as there are quite a number in the section, at least twenty-seven being known, one or more in a given locality will be found of workable size, though not corresponding to the thick coal developed in the adjoining ground. The present workings clearly indicate the variability in thickness. At Engleville the coal is won from the lowest bed in the measures, while at the Starkville, Sopris and Valley mines, it is some one of the higher seams of the lower series that has the greatest productive capacity. Up to the present time nearly all the coal extracted from the mines of this district has been taken from seams ranging from six to nine feet in thickness, usually about five and one-half to seven feet of this amount being available. Trinidad coal produces a hard, extremely dense coke, and is much used as fuel for locomotives.

Adjoining the Trinidad district on the west, is the Purgatoire River district, in which the lower series of seams does not outcrop. This district may be defined as a strip about twenty miles long, of varying width, extending up the valley of the Purgatoire and including several of its lateral branches. Here, the nearly horizontal measures have been deeply eroded, so that both from the valley itself and the principal side cañons the lower series of seams can be easily reached through shafts, while the upper series can be mined directly from the outcrop. By this means a large area of land, probably as much as 135 square miles, will eventually be made available.

The varieties of coal contained in the Raton field, although probably of contemporaneous origin with the lignite-coals of Northern Colorado, show a much higher degree of alteration, evidently due to the influence of numerous dykes and intrusions, which are everywhere met with, the greatest alteration being noted at Trinidad, where the great overflow of the Chicorica Mesa seems to have played an important part in the process.

NORTHERN COLORADO FIELD.

This field, as here defined, is a strip forty miles wide, extending from the Wyoming line southward to Franceville, and having a total area of about 6,800 square miles. It does not include the entire extent of Laramie rocks, nor yet more than a portion of the immense tract in North-eastern Colorado represented as coal land on Hayden's economic map. Here we again meet with the necessity of establishing a line between what may reasonably be considered coal land and adjacent areas of barren or utterly worthless measures; and since the change from one class to the other is not abrupt but gradual, and takes place at inaccessible depths, there is room for considerable difference of opinion as to where this line should be drawn. The limit here suggested, of a line forty miles east of the western outcrop, and having the same general contour, will, it is thought, approximately define the extent of the coal basin in Northern Colorado; for while it is known that workable seams are nowhere exposed along the eastern border of the Laramie, thin beds

which may eventually be worked for local consumption, are exposed at both the northern and southern extremities of the field at a distance of about forty miles from the western margin.

All of the accessible outcrop north of Boulder is but slightly inclined, as also most of that in the vicinity of Erie, Louisville, and Langford. In the neighborhood of Franceville and Colorado Springs the inclination is from 7° to 10° with a tendency to flatten out away from the great fold of the Front Range. The remainder of the outcrop, or that lying contiguous to the mountains, is upturned from 40° to 80° .

In what may be termed the Franceville district, the workable coal ranges from six to ten feet in thickness. Along the highly inclined outcrop, and in the Boulder County districts the aggregate thickness is greater; but in the more northern part of the field the beds thin out, being only three to four feet thick at Plattville and Eaton.

All the coal from the Northern Colorado field is intermediate in character between lignite and cherry-coal, in composition approaching the former; in structure and appearance, the latter. The principal objection that can be urged against it is its capacity for absorbing moisture, which varies from twelve per cent. in that from the Boulder County districts, to over twenty per cent. in the more inferior qualities from other districts. Such hygroscopic coals invariably disintegrate on exposure for a short time to the atmosphere, for which reason they are poorly adapted for either storage or exportation. At the same time they find a ready sale in the nearest markets on account of their cheapness.

The amount of available coal which this field may contain, is not easy to estimate. Notwithstanding the thinning out of the beds in the northern half, their accessibility, even in places far to the east of the outcrop, coupled with the requirements of the treeless region in which some areas are situated, may eventually render profitable the working of quite thin seams. What the limit will prove to be can hardly be conjectured, and for the present must be taken at the thickness that can be mined under existing conditions.

The districts lying in Boulder County contain a number of small tracts, of slightly inclined measures, separated from one another by faults or abrupt flexures, whose origin is to be referred to the dynamic movement accompanying the final elevation of the Front Range, and a certain amount of eruptive activity indicated by the Valmont dyke. This part of the measures affords the best quality of coal in the Northern Colorado field; hence, notwithstanding the disturbance to which much of the ground has been subjected, it will no doubt be thoroughly exhausted before abandonment.

The upturned measures probably contain the greatest aggregate thickness of coal so far as one can judge from the limited amount of exploration, yet for several reasons they can hardly be considered economically accessible below a depth of half a mile. The extreme southern part of the field possesses on the whole the most merit, except in the quality of the product. The coal is of fair workable thickness, while the slight inclination of the beds renders it possible to mine it economically for several miles back of the marginal outcrop. There is also a noticeable absence of abrupt folds, faults, and displacements, such as are common in the Boulder County districts, and which are a serious obstacle to extended continuous operations.

While the Northern Colorado field contains a vast quantity of available coal, and has the advantage over all our fields of nearness to markets, the inferiority of the product places it below both the Grand River and Raton fields in importance to the State,—a fact which will become more and more evident as the country develops.

NORTH PARK FIELD.

This field, like the Yampa field, has been but little explored, and up to the present time no systematic work on the seams has been attempted. The measures extend from the northeastern border of the North Park basin,—where there are exposures of coal between the Canadian and Michigan Rivers,—as far south as Grand River in Middle Park, where very thin streaks of coal are met with around Hot Sulphur Springs.

The measures of economic value are, however, restricted to the North Park basin and the region on the head of Muddy Creek around Mount Wheatly. The most accessible part of the field, and that which contains by far the greatest aggregate thickness of coal, is the northern extremity. Between the Canadian and Michigan the measures are brought to the surface by an anticlinal flexure, from the apex of which they dip in opposite directions about 15° . To the northeast of this flexure there is a synclinal depression, about three miles broad, terminating in the marginal outcrop, where the beds again come to the surface. For a distance of about twelve miles along this outcrop seams of lignite-coal are exposed naturally or by excavations. There are apparently three workable beds in this part of the field,—the Red Hill seam, from twenty-one to thirty-two feet thick, the Coal Hill seam, fifteen feet thick, and the Walden seam, four to five feet thick; all of which are remarkably free from shale and other impurities.

The composition of North Park coal is decidedly lignitic, the moisture retained ranging from twelve per cent. to eighteen per cent., in which respect it corresponds to the coals of the Northern Colorado field, although when first extracted it is black and lustrous like ordinary soft coal, hence the term, "lignite-coal" to distinguish it from true lignite, which is not known in Colorado. The estimate of available coal in this field, given beyond, is not based on a thorough exploration of it; consequently, the figures are merely suggested as probably within reasonable limits.

OTHER DISTRICTS.

The areas of coal land remaining to be noted embrace those isolated districts which cannot be included in any of the great fields; at the same time they are severally too limited in extent to be treated as so many independent fields. These are the South Park, Cañon City, and Tongue Mesa, districts. They are estimated to contain collectively fifty square miles of available measures.

The South Park district includes the mines which, for a number of years, have been systematically worked near Como. The principal seam

is from five to six feet thick, and produces a strongly coking-coal of fair quality; probably the best mined in Northeastern Colorado. The measures have been considerably disturbed in the vicinity of the mines, but the district may develop better ground when its capabilities shall have been further investigated.

The Cañon City district is the best known of the three, having for years produced a very superior variety of domestic fuel, which finds a ready sale in the market, and has served to establish the importance of the vast reserves of this kind of coal so abundant in the measures of Western Colorado, and in the northern part of the Raton field. Most of the Cañon City coal is taken from a seam about five feet thick, having usually a varying thickness of shale toward the center, and is mined from a number of openings on Coal Creek and Oak Creek, about four miles southward from Florence. Along the western border of the district the beds are upturned at a high angle, but flatten rapidly toward the eastward, and over the greater part of the area the measures are but slightly inclined, so that nearly the whole will in time be made available.

Tongue Mesa district includes a long, narrow strip of land, elevated and capped with lava, lying between the Cimarron and Uncompahgre Rivers. There are four workable seams ranging from five to twenty feet in thickness, reported as outcropping on the south side of the Mesa. A small amount of coal has been mined for local consumption; but the location is too remote, and the quality of the product, so far as known, too inferior to make it desirable as an export fuel. Like the bulk of Western Colorado coal, it is semi-coking, but will not form coke.

The following statement exhibits, in a condensed form, the area and available capacity of the Colorado coal fields, based on the most reliable data obtainable. In making these estimates the economic limit of one-half mile from the general line of outcrop is assumed for highly inclined measures; for measures dipping from 10° to 20° at from one to two miles, according to the amount of inclination away from the outcrop, and the thickness and quality of the coal. For horizontal or slightly inclined measures, four miles is assumed to be the working limit for

thick coal, and three miles for beds from three to four feet thick only. An exception may be noted in the case of the upturned measures of the Great Hogback, where the enormous thickness of superior coal, the depths of the gorges, or points of attack, below the mean level of the outcrop, and general accessibility, makes it reasonable to assume that the seams will be worked to an average distance of one mile. In the Raton field, which has been carefully meandered, the small areas in advanced position, relative to the points of attack, have been calculated and added to the total. Owing to want of accurate data it was impossible to do this in the case of any other field. The least workable thickness is assumed to be three feet, for although smaller seams are worked even now under very favorable conditions, they cannot be followed with profit beyond a short distance.

The above limits may appear to many engineers much too circumscribed, even when measured by European standards of the present day without taking into account the more advanced engineering methods of the future. But we cannot anticipate the possibilities of the latter; neither would it be reasonable to apply the former under the conditions existing in this country. Moreover, on the same ground, we might object to the estimates made on other coal fields. On the whole the figures here given are thought to possess a comparative value, though there can be no doubt that they will be considerably modified by the results of future surveys.

ESTIMATED AREA OF COLORADO COAL FIELDS.

	SQUARE MILES.
Grand River Field (Colorado portion).....	6,950
Yampa Field, including part of Wyoming Field in Routt County.....	1,100
La Plata Field (Colorado portion).....	1,250
Raton Field (Colorado portion).....	1,300
Northern Colorado Field.....	6,800
North Park Field.....	300
South Park, Cañon City, and Tongue Mesa Districts.....	100
Dakota Measures (Southwestern Colorado).....	300
Total.....	18,100

ESTIMATED QUANTITY OF AVAILABLE COAL IN COLORADO FIELDS.

LOCATION.	ACCESSIBLE AREA IN SQUARE MILES.	AVAILABLE GROSS TONNAGE.
Grand River Field (in Colorado).....	1,116	26,384,800,000
Yampa Field.....	440	5,961,500,000
La Plata Field (in Colorado).....	300	3,387,200,000
Raton Field (in Colorado).....	473	4,490,200,000
Northern Colorado Field.....	405	2,568,600,000
North Park Field.....	80	1,806,500,000
Cañon City, South Park, and Tongue Mesa Districts.....	49	429,000,000
Dakota Cretaceous Measures.....	50	169,300,000
Total.....	2,913	45,197,100,000
Total net tonnage, or 75 per cent. of gross estimate.....		33,897,800,000

It will be interesting to compare the above figures with the estimate of Dr. H. M. Chance, on the available bituminous coal of Pennsylvania. The total area of coal land is calculated at something less than 9,500 square miles, which includes 470+ square miles in the anthracite fields. No reliable estimate has yet been made of the amount of available anthracite.

The net available bituminous coal is placed at 22,908,000,000 long tons,—equal to 25,657,000,000 short tons,—the limiting thickness being three feet, and the maximum distance from the outcrop two miles where the beds are not less than four feet thick. The distance limit, it will be seen, corresponds to the maximum assumed for beds, inclined from 10° to 20° in Colorado, where, in most of the accessible measures, the tendency is to flatten out away from the outcrop. In Pennsylvania the working limit is largely determined by the depth below water level; but in the dry Colorado climate, with extensive areas of slightly inclined measures elevated above the surrounding country, and to some extent drained of surface water, the working limit will in most cases be determined rather by the cost of mine haulage; consequently, where coal has been assumed as accessible, at a distance of four miles from the outcrop, it is obvious that, under the circumstances, it will be made available before the fields are exhausted.

The available bituminous coal of Alabama has been estimated by Mr. Henry McCalley at 108,394,000,000 tons in the seams over eighteen

inches thick. Evidently there is a vast amount of coal in Alabama, but the assumed limited thickness is so small that no fair comparison can be made between Mr. McCalley's estimates and those given for Colorado and Pennsylvania. The States which rank Colorado in area of coal land are, according to Ashburner: Illinois, with 36,800 square miles, and Missouri with 26,887 square miles; while Iowa, Kansas and West Virginia are not far behind, having 18,000, 17,000 and 16,000 square miles respectively. In all these States, except West Virginia, the coals are of inferior quality when compared with our own.

With the composition of Colorado coals, and the causes operating to produce the several varieties, we shall not now attempt to deal; such subjects can only be discussed intelligently from a purely scientific standpoint. The foregoing brief review of our coal fields, is merely intended to give the reader a general idea of the magnitude of our resources in that direction.

Conclusions naturally suggest themselves. The vast reserves of fuel will play a more important part in the future prosperity of the State than all our metalliferous deposits combined; for the supply is practically inexhaustible, and the market a large and growing one.

The physical conditions attending the close of the Marine Cretaceous and the opening of the Laramie, foreshadowed the great continental revolution, which permanently elevated the Rocky Mountain region and adjacent plains country above the ocean level.

During the early part of the Laramie, especially west of the continental divide, we find marine conditions to have alternated with brackish-water conditions. There were times when extensive swamps and marshes stretched away, probably a hundred miles, from the permanent shorelines. There were also intermediate periods when the conditions were favorable to the existence of a purely marine fauna, and so we find beds containing coal, and the remains of land vegetation, interstratified with others containing marine shells; indicating that the land was subject to oscillations of level, and occasional incursions of the ocean. In the higher horizons of the Laramie, evidence of these alternating conditions

no longer exists, and the organic remains are of typical land, or brackish-water forms.

Several hundred species of fossil plants, indicating the luxuriant vegetation of this epoch, have been collected in Colorado localities, notably in the Raton Mountains, at Rouse, in the Boulder County districts, at Golden, in the vicinity of Crested Butte, and on Crystal River. The Denver beds, overlying the coal-measures, are rich in species, referred by Newberry to the upper part of this epoch.

Most of the Laramie genera have their representatives on this continent at the present day; but certain types like the Fig, Magnolia, Cinnamon, Fan-Palm, etc., common in Laramie beds, indicate a warmer climate than now exists; a difference that may be attributed to the lowering of temperature consequent on the elevation of the land.

The vertebrate life of the epoch included chiefly reptiles. The Dinosaurs, regarded as characteristic of the Mesozoic, are still dominant, but in diminishing numbers and highly specialized forms. A genus of huge horned Dinosaur, the Ceratops, existed all along the Rocky Mountains, several individuals having been found in the Denver beds which for this reason are regarded by Marsh as probably of Laramie age, although this question has not yet been definitely settled.

Mammalian life appears to have been mainly restricted to small marsupials, of which quite a number of species have recently been described by Marsh, from what are considered to be Laramie beds of Wyoming. This is the first discovery of abundant mammalian remains in Cretaceous strata, although similar types were already known from the Jurassic of Colorado.

In their affinities nearly all these Laramie forms were allied to their earlier representatives, and in nowise foreshadowed the highly organized true mammals, which suddenly appeared in vast numbers at the beginning of the Tertiary.

CHAPTER III.

CENOZOIC ERA—THE TERTIARY PERIOD—GREAT FRESH-WATER LAKES OF THE TERTIARY—EOCENE EPOCH, STAGES AND LIFE—DISTURBANCES AT THE CLOSE OF THE EOCENE—OLIGOCENE OF THE FLORISSANT BASIN—MIOCENE EPOCH, STAGES AND LIFE—END OF THE CONTINENTAL REVOLUTION—PLIOCENE EPOCH AND LIFE—TOTAL ELEVATION OF THE LAND—QUATERNARY PERIOD—THE EPOCHS REPRESENTED IN COLORADO—LIFE OF THE QUATERNARY—POSSIBLE EXISTENCE OF MAN IN COLORADO DURING THIS PERIOD—EVOLUTION OF LIFE THROUGH THE CENOZOIC ERA—ERUPTIVE ROCKS AND PAST IGNEOUS ACTIVITY—ORE-DEPOSITS OF COLORADO—CONDITIONS GOVERNING THE FORMATION OF ORE-BODIES—THEORETICAL CONSIDERATIONS—GEOLOGY OF SOME COLORADO MINING DISTRICTS—IRON ORES—OIL-SHALES AND MARBLE—MINERALS—CONCLUDING REMARKS.

CENOZOIC ERA.

This is the third grand division of geological time as applied to the development of life, although the fourth in geological history. The Cenozoic is divided into two periods, viz., the Tertiary and Quaternary. The first finds remarkable representation in the fresh-water lake-beds of the West, which have yielded so abundantly of well preserved mammalian remains, and thus enabled palæontologists to trace, step by step, the ancestry of many existing species. The Quaternary beds are also well represented, but have not yet been studied in detail.

The elevation of the interior part of the continent was brought about by successive stages of upheaval, beginning at the opening of the Laramie, and terminating at the close of the Tertiary. The first elevation ceased when the bed of the inter-continental sea had about risen to tide-level. By the second upheaval, at the close of the Laramie, the entire region lying east of the Wahsatch, and west of Middle Kansas and Nebraska, was finally elevated beyond the reach of ocean waters.

The dynamic movement accompanying the second stage of continental upheaval, produced a certain amount of folding parallel with the axes of the Wahsatch and Rocky Mountain Ranges. In the region between these ranges broad areas were depressed, and became the basins of three immense fresh-water lakes. These basins have been called, respectively, Green River, Uinta and San Juan. The first was confined to the country north of the Uinta uplift; the second covered Northwestern Colorado, and a large part of Eastern Utah; while the third covered the southwestern corner of Colorado, and extended into New Mexico. During the early Tertiary the lakes of the San Juan and Uinta basins may have formed a continuous sheet of water; or, as generally supposed, the former was merely an extension of the latter during the Lower Eocene Epoch. A fourth, but smaller lake occupied a basin lying between the Sangre de Cristo and the southern continuation of the Wet Mountains. The last is known as the Huerfano basin.

Throughout the epoch of the Lower Tertiary (Eocene) there was a steady accumulation of sediments, in the Green River and Uinta basins, until the deposits attained a thickness of 10,000 feet. In the Huerfano basin sedimentation probably ceased at the end of the Middle Eocene, and in the San Juan basin at the end of the Lower Eocene.

While sedimentation appears to have continued almost without interruption through the Lower Tertiary, it is obvious that great climatic changes must have taken place, to have so thoroughly individualized the groups or stages, which it includes; for not only are these each lithologically distinct from the others, but there is in each case a marked difference in the character of the vertebrate remains,—so much so, that the latter can usually be relied on to determine the relative age of the beds.

The several groups which have been shown to possess distinct lithological and faunal characters, are known, respectively, as the Wahsatch, Green River, Bridger and Uinta. The two last find but meager representation in Colorado, but the former, which are the oldest, cover large areas in the western part of the State, being well exposed along the White, Grand and San Juan Rivers.

Underlying the Wahsatch of Northwestern New Mexico, are dark-colored marly beds, about 500 feet thick, called by Cope the Puerco group, which are thought from the faunal remains to be still older than the Wahsatch stage.

The Wahsatch beds or lowest Eocene, consist of variegated clays, marls, shales and toward the base, sandstones. The Green River beds consist of highly bituminous shales and marly limestones, usually exhibiting a very continuous, thin lamination, suggesting the name "Book Cliffs" to the extensive exposure of these beds on Grand River. Some of the Book Cliffs strata are so rich in condensible hydro-carbons as to yield up to thirty per cent. of dark brown oil on distillation; and the rock, when piled up and ignited, burns with a bright flame like poorer varieties of cannel coal. The well preserved fossil fishes, so commonly seen in the Denver curiosity stores, are from the beds of this group in Wyoming.

Bordering the Great Eocene lakes were dense forests, which afforded protection and subsistence for countless numbers of strange animals of types long since extinct. Some idea of the variety and abundance of mammalian life, in Colorado and the adjacent country, during this epoch, may be gained from the fact that the species already recognized, in the remains from the three basins just mentioned, must be double the number now existing on this continent. Many of the Eocene species were of gigantic size, and possessed of remarkable characters. Tapir-like forms appear to have predominated. Remains of the Coryphodon, a genus of Ungulates without specialized characters, and common in the Eocene of Europe, are common in the Wahsatch deposits of Colorado, but are entirely confined to this horizon, which has, in consequence, been designated by Marsh the, "Coryphodon beds." Remains of the earliest representatives of the Horse family, of the genus Eohippus, are also found in the same beds; while the remains of another genus, the Orohippus, more nearly allied to the modern Horse, are found in the Bridger beds of the Middle Eocene. Others of still more modern type, are found in higher members of the Tertiary, the

approach to the modern form increasing as we ascend, until in the Quaternary the species all belong to the existing genus *Equus*. The evolution of the Horse is one of the most interesting of the well-established facts that palæontology has given us,—facts which have had great influence in moulding the present accepted theory of the origin of species.

The Green River beds contain remains of fishes, plants, and insects but so far as known, none of mammals. The nature of the life, and the lithological composition of the Green River group, point to the presence of brackish-water in the middle and northern of the great Eocene basins during this stage; indicating that they had become so far depressed as to be connected with tide-water through the western outlet.

The succeeding or Bridger beds are noted for containing abundant remains of the remarkable order, named by Marsh, the *Dinocerata*. These animals were of elephantine size, and related somewhat to the *Coryphodon* of the Wahsatch. They bore on the head three pairs of horn core-like prominences, which may have served for the attachment of horns, but are generally thought to have been simply covered with a layer of thick horny skin. In addition, they were armed with sharp, strong tusks, curving downward and backward. Though of great size and power, they possessed, like most Eocene mammals, an exceedingly small brain, and were consequently very low in intelligence. Great numbers of these animals inhabited the Green River basin, during the Bridger Stage, but disappeared entirely at its close; for which reason the horizon has been designated by Marsh the "*Dinoceras Beds*." Between the Green River and Bridger beds, King reports a slight non-conformity; indicating an interval marked by disturbances, which sufficed to elevate the basins above sources of brackish-water; hence, during the Bridger Stage, sedimentation took place in fresh water, and the mammalian hordes again roamed the shores of the Eocene lakes.

The Uinta beds (Upper Eocene) are well exposed on Lower White River, where they consist of sandstones and brownish clays and

marls. In Colorado there are soft strata of doubtful age, exposed on the Blue and Muddy Rivers in Middle Park, which Hayden has assigned provisionally to this group but which are probably of later age. Of the faunal remains from these beds, those of the *Diplacodon*, a genus of tapir-like mammals, are the most characteristic, which led to the horizon being designated the "Diplacodon beds."

The Eocene lake bed of the Huerfano basin, already mentioned, is of quite recent discovery, and the relation of its Eocene deposits to those of the great basins west of the Rocky Mountains, remains to be studied in detail. Among mammals the Tillodonts, which range from the Puerco up into the Bridger, are represented in the Huerfano beds. These peculiar mammals combine the general characters of Ungulates with the enormously powerful incisors common to Rodents. They were termed by Leidy, who first described them, "gnawing hogs." Carnivores, true Rodents and Lizards of the genus *Glyptosaurus*, likewise existed in the Huerfano basin during the Eocene Epoch. *Glyptosaurus* includes certain species of extinct reptiles having the head and body covered with small tuberculated, enameled bony plates. So far as known, the Huerfano beds are the only fresh-water Eocene deposits lying east of the Rocky Mountains.

Throughout the Lower Tertiary, except in the beds of the Green River group, remains of numerous species of Ungulates and Carnivores, are common; also of Monkeys and Rodents, many of the later species being more specialized types of allied forms already extinct.

One of the most prominent characters of early mammals and birds, as Marsh has shown, was the remarkably small size of the brain, when compared with that organ in existing species. There was, however, a notable increase in size during the remainder of the Tertiary, while Quaternary mammals had a brain capacity nearly equal to that of their modern allies.

The close of the Eocene in Colorado witnessed great changes in the topography of the land. The ranges were considerably elevated, and the strata on their flanks,—already more or less tilted by the con-

tinental movement at the end of the Mesozoic,—thrown into great folds, either parallel or coincident with pre-existing lines of plication. At the same time, the region between the Rockies and the Wahsatch was elevated, and drained of its ancient lakes. East of the Front Range, the immense horizontal pressure, developed by the mountain-making movement, caused the formation of extensive areas of depression in the adjacent plains country, and a corresponding elevation of the land further to the eastward. These depressions became the basins of the Miocene (Middle Tertiary) lakes; in which were deposited the sediments now known, respectively, as the Monument Creek, and White River beds.

In the South Park region, at Florissant, there is a limited extent of beds believed, from the organic remains, to be intermediate between the Eocene and Miocene, or to belong rather to the epoch of the Oligocene. These beds abound in the remains of plants and insects, and have afforded several species of Fishes of the genus *Amyzon*, which has led to their being designated by Cope the “*Amyzon beds*.”

The depression containing the White River beds lies mostly beyond the Colorado boundary, in Nebraska and Wyoming. The Monument Creek beds lie wholly in Colorado, covering a considerable area of country, east of the Front Range, between Denver and Colorado Springs. Both of these groups belong to the lower Miocene, with the probability that the Monument Creek beds may correspond to the lower part of the White River group; the horizon of the *Brontotherium* beds,—so named from the characteristic remains of a gigantic two-horned mammal, allied to the tapirs and to the *Dinoceras* of the Eocene.

The upper part of the White River beds does not contain *Brontotherium* remains, but affords another genus equally characteristic, and restricted to that particular horizon; viz., the *Oreodon*, an animal allied to the Hog, Deer and Camel. Hence, this portion of the White River group has been called the *Oreodon beds*. The Lower Miocene fauna, also, included new species of the Horse family, many new Carnivores,

Rhinoceroses, Tapirs and Rodents, with the earliest of American Beavers.

Of the later Miocene beds none are represented in Colorado, these being confined to the Pacific coast, the Atlantic border, and the Gulf States.

In the interval preceding the opening of the Pliocene, or Upper Tertiary Epoch, additional dynamic movement occurred, other depressions were formed, and further elevation took place. But this was the last mountain-making movement of any importance; and, except that it has in places been deeply scored by erosion, the country has essentially the same orographic features now that it had in the Pliocene Epoch.

The Pliocene deposits of the West include the lower, or Pliohippus beds, and the upper, or Equus beds, so called from the characteristic remains of these genera of the Horse family. It has not yet been shown that either of the divisions is extensively exposed in Colorado, outside of the North Park basin, although certain limited deposits on the Huerfano, and probably others in Eastern Colorado, belong to the Pliocene Epoch. The North Park beds cover a large area in the North Park depression, and on the Platte River in Southern Wyoming, but according to Hague, only develop a thickness of a few hundred feet.

The life of the Pliocene in this region may be inferred from the many species described from the Nebraska and Wyoming beds. These include several species of the Horse, Camel, Deer, Rhinoceroses, powerful Carnivores like the Tiger, an Elephant (*Elephas Americanus*) and the first Mastodon. The deposits of the Huerfano basin have recently afforded well-preserved remains of both the Horse and Camel. Many of these animals were of a size surpassing their living representatives, but were afterward overshadowed by the giants of the Quaternary.

The existence of man in California, during the Pliocene, has been maintained by no less an authority than Prof. Whitney, from the finding of flint implements, and human bones, in supposed Pliocene gravel. Others, however, who have examined the evidence express doubts of its authenticity. (Dana.)

The termination of the Pliocene brings us to the close of the Tertiary Period. Mountain-making movement had ceased, but elevation of the Rocky Mountain region probably took place, to a limited extent, even after the Pliocene. From the close of the Marine Cretaceous to the close of the Tertiary the elevation of the land in Colorado, due to continental movement alone, amounted to about 6,000 feet, while in the mountains this was supplemented by about 5,000 feet more, due to crumpling up of the strata. So in a few localities, notably on the head of the Rio Dolores, near Mount Wilson, and on the head of Crystal River, we find the Cretaceous beds tilted up on the flanks of the mountains to an elevation of 11,000 feet above sea-level.

QUATERNARY PERIOD.

This is the last chapter in our geological record, and its closing epoch brings our history up to the present time. The Quaternary in America begins with the great ice-age,—the Glacial Epoch. At that time all of Northern Europe, including the British Isles, together with the northern half of this continent, as far south as Ohio and Pennsylvania, was covered to a great depth with a continuous sheet of ice, whose duration in time was doubtless very great. The southern limit of the ice-field is marked by a deposit of boulder drift, called the "terminal moraine." Over all the country lying north of the moraine the rocks have been fluted and scratched by the steady southward march of the ice-stream.

With the final melting and breaking up of the North Polar Glacier, came the Champlain Epoch,—a time of great floods, and of the distribution of immense quantities of the material, which for ages had been carried forward by the ice. The Drift Epoch in Europe,—the equivalent of the Champlain in America,—was succeeded by the Second Glacial Epoch, of much shorter duration than the first. Evidence, by no means conclusive, is not wanting of the existence of a Second Glacial Epoch in America; and by some geologists this is beginning to be regarded as a settled fact. The record left by the extinct glaciers of

our own mountains, if anything, tends to support this view. Colorado lies far to the south of the great glacier limits on this meridian ; but the higher mountains, then as now, must have had a climate similar to less elevated regions far to the northward, or within the glacial limits. Hence one might conclude that a time of general glacial in the north would be represented by a time of local glaciation in our own mountains.

Evidence of the former existence of glaciers can be observed anywhere in the mountain regions where the elevation exceeds 7,000 feet, and occasionally local glaciers have crept down into the valleys as low as 6,000 feet. The First Glacial Epoch may be represented by broad glaciated areas, often covered with heavy boulder-drift, such as we find on the White River Plateau, in the country just west of the Ragged Mountains, and in the upper San Miguel region,—areas which have since been deeply scored by transverse cañons. The Second Glacial Epoch may be represented by a later system of glaciers, which were confined to the principal valleys, and existed up to a very recent period, indeed, almost to the present day.

The Animas Valley glacier was, doubtless, the longest of the local ice-streams, and must have had a length of fully sixty miles. Huge boulders of granite, transported by the glacier, are found some distance below Durango. Terminal moraines, or ridges of boulders stretching across the valley, mark the halting places in its final retreat back to the snow-fields. One such moraine, formed by two parallel ridges of drift, crosses the valley at Animas City. All the valleys in the San Juan Mountains, and in the Elk Mountain region, afford indisputable evidence of the existence of glaciers at no very distant period ; when the mean annual temperature was probably lower, and the average precipitation greater than at present.

The drift deposits of Colorado are, in places, quite extensive, but have not yet been studied outside of the Denver basin, and the assignment of any portion of them to the Champlain Epoch is therefore provisional.

It seems probable that much of the boulder-drift, covering certain elevated areas of the State, is truly morainal in character and may antedate the age of the Champlain, provided the existence of the First Glacial Epoch, in the Rocky Mountains, shall be clearly established. On the other hand, the coarse drift of the mountain valleys can only be considered as the morainal material of the more recent local glaciers that has been subjected to fluvial reassortment; consequently all such drift properly belongs to the present era. The drift deposits scattered over the plains, or underlying the löess-like accumulations of the great valleys, are really the only beds which may be regarded as the probable equivalent of the Champlain. The löess-like deposits, often of considerable thickness, which are frequently met with on the plains and in the valleys, should no doubt be referred to the very uppermost Quaternary, when subaerial degradation and corrosion furnished material which could be distributed by æolian agencies.

The life of the early Middle Quaternary differed from the modern in many important particulars. The Carnivores, Ungulates, Proboscideans, Edentates and Rodents were all of the most gigantic size; and their remains, which are so abundant in the drift of Europe and America, are found, on the former continent, associated with the remains and rough stone implements of Palæolithic Man. In America, the evidence of man's existence in the Champlain Epoch is confined to certain remains stated to have been found in the lava-covered auriferous drift of California, concerning the age of which there is some doubt, and they may belong to the Pliocene Tertiary. The finding by Mr. Belt, a well known English geologist, of a human skull in drift, of probable Quaternary Age, exposed in a railway cut near Argo, may be cited as indicating the bare possibility of man's existence in Colorado during the Champlain Epoch. The death of Mr. Belt soon after, and the want of any complete published statement by him, renders it impossible now to judge of the value of the discovery. Assuming, however, that the skull was found in Quaternary drift, the limited thickness of the deposit in the Denver basin, and in the locality cited, would place the horizon of

the find within the reach of burrowing animals, and through their instrumentality remains of all kinds might be carried down into the drift, and in course of time, so far as the eye could discover, appear to be in place there.

The remains of Quaternary mammals, known to have been found in Colorado, include species of the Mammoth, Camel, Rhinoceros, and Horse, all of gigantic size; indicating that the life was identical with that of the remainder of the continent. All of these species except the Mammoth, which had already appeared in the Pliocene, probably invaded the country at the end of the First Glacial Epoch, but disappeared at the beginning of the Second Glacial Epoch, which was followed by the invasion of existing species.

Throughout the Cenozoic, the fauna of each succeeding stage had its allies in the more generalized fauna of the preceding stage; and the tendency was strongly toward the development of more perfect types with greater brain capacity and higher intelligence. But between the mammals of the lowest known Tertiary and those of the preceding epoch (Upper Laramie) there is a great zoological break. The Laramie mammals have their affinities among the earlier marsupials of the Jurassic. The large number of Laramie species brought to light by the recent investigations of Marsh, are nearly allied to the ancient types, and fail to exhibit any anatomical characters foreshadowing the highly organized mammals which suddenly appeared in countless numbers in the early Eocene of Colorado and Wyoming.

This is one of the most surprising gaps in the whole range of geological history. Yet such a break in the continuity of the record might, indeed, result from the great change of conditions effected by the continental revolution. It is also within the range of probabilities that, in the comparatively unexplored portions of the West, especially the Northwest, we may find transition beds between the Laramie and Eocene, and in them the remains of the long-sought progenitors of the Eocene hordes.

There are certain phases of geological development which cannot

well be treated chronologically, and at the same time comprehensively. Belonging to this category are the ancient eruptions and ore deposits; the consideration of which, for the above reason, has been referred to the last part of this chapter.

ERUPTIVE ROCKS AND ERUPTIONS.

During the mountain-making period, the entire Cordillerian region of the West was the scene of great igneous activity, and of eruptive outbursts in magnitude unsurpassed in the world's history. This activity was manifested on a grand scale in Colorado, especially in the southwestern portion, and it is safe to say that one-seventh the area of the State is covered with eruptive rocks. They are found breaking through metamorphic and sedimentary strata of all ages from the Archæan to the Tertiary inclusive. The principal eruptions took place in the early part of the latter period, a few being of preceding, and others of somewhat later age; although few can be cited more recent than the Miocene, and only one can be referred to Post-Tertiary times.

The kinds of eruptive rocks found in Colorado, not including the numerous intermediate varieties, are the following, based on the modern classification:

Porphyry: A crystalline, or granular, aggregate of orthoclase (potash-feldspar), usually with some plagioclase (soda-lime-feldspars) and quartz. Other minerals may appear and give rise to varieties, for instance, hornblende-porphyry. The Colorado porphyries are mainly quartz porphyries.

Trachyte: Differs from porphyry in containing the variety of orthoclase called sanidine, and in having a more or less glassy or felsitic groundmass.

Rhyolite: Consisting of glass alone (pearlite and obsidian), or of glass containing a relatively small number of quartz and sanidine crystals (liparite), or of glass containing a relatively large number of the same crystals as compared with the groundmass (nevadite).

Diorite: A crystalline aggregate, of like-sized grains, of plagi-

oclase, with either hornblende, angite, enstatite (hypersthene), biotite or quartz. The term is usually qualified by prefixing the name of the principal constituent mineral, as quartz-diorite, mica-diorite, quartz-mica-diorite, etc.

Porphyrite: Corresponds essentially to diorite, but with one or more of the minerals conspicuously (porphyritically) developed as crystals, in the crystalline or granular groundmass.

Andesite: Differs from porphyrite, mainly in the groundmass, which is more or less glassy or felsitic.

All the above rocks have a high percentage of silica, and for this reason are termed "acidic;" the five next succeeding contain a comparatively low percentage of silica, and are termed "basic."

Basalt: Contains plagioclase and angite, frequently with olivine, in a felsitic or glassy groundmass.

Dolerite: Corresponds essentially to basalt, but has a granular or wholly crystalline groundmass.

Tephrite: Mainly plagioclase with nepheline or leucite, sometimes with both, and generally with other minerals as accessories; in a partly felsitic or glassy groundmass.

Phonolite: Principally orthoclase and nepheline, with conspicuous crystals of sanidine, in a more or less felsitic groundmass.

Peridotite: Consists mainly of olivine, but varieties contain hornblende, angite, etc.

Eruptive Breccia: Contains fragments of eruptive or other rocks, embedded in an originally plastic eruptive matrix.

Tufa: Consolidated ejectamenta from old volcanic vents.

Volcanic Ash: Consists of fine particles of volcanic glass or dust, not consolidated.

So far as known, phonolite and peridotite are extremely rare, only one occurrence of each having been announced by Dr. Cross from Colorado localities. The same authority reports as probably nepheline-tephrite, certain eruptive rocks from the Elk Head Mountains, collected by Mr. F. F. Chisholm. Trachyte occurs at Silver Cliff, in the Mos-

quito Range, and probably at Del Norte, but is one of the least common of Colorado eruptives. Limited accumulations of volcanic ash are found in the Pliocene beds of the Huerfano basin. The remaining eruptives are of frequent occurrence.

The most recent manifestation of igneous activity in Colorado, was the outburst of scoriaceous lava on Eagle River, near Dotsero; which, according to Prof. Lakes, was poured from a vent situated in a small amphitheater about three or four miles north of the river. The flow is quite modern in appearance, suggesting the probability that it may have been erupted during the historic period.

The most recent of the great Tertiary eruptions that occurred in Colorado are represented by the vesicular basalts of Grand Mesa, and of the country lying between Roaring Fork and Eagle River; likewise, certain small masses on the Rio Grande near the New Mexico line. These were preceded by overflows of more compact basalts, dolerites, and allied basic rocks, which were, in turn, preceded by rhyolites, andesites and andesitic breccias; the whole corresponding to a series of grand eruptions, extending back to the early Tertiary. The older basalts and dolerites are represented by the Fisher's Peak overflow; by the overflows of the White River Plateau and Elk Head Mountains; by certain occurrences in the North Park and Middle Park regions, and on the Piney; and by the small Table Mountain overflow, near Golden. The andesites, breccias and rhyolites are well represented in the San Juan region; in the district around Silver Cliff; in the Mosquito Range, and Ten Mile districts. Rhyolite containing garnet and topaz, occurs near Nathrop; while the tufaceous rhyolite of Castle Rock is well known, being much used for buildings in Denver.

The time of greatest igneous activity probably corresponded to the period of greatest mountain-making movement,—that is, about the end of the Eocene Epoch. Belonging to this period are certain porphyries, diorites and porphyrites, which do not occur as overflows, but appear as masses of mountain dimensions, tilting up, or arching the flanking strata; and sometimes spreading, as huge lens-shaped bodies, laterally beneath

them. The eruptive cores of the Ragged Mountains, Mount Carbon, Mount Gothic, Crested Butte, Snow Mass Mountain, Mount Sopris, La Plata Mountain, Ute Peak, Spanish Peaks, Veta Mountain and Badito Cone, with several others, are of this character. The same rocks often occur as dykes traversing sedimentary strata, or as thick sheets intruded conformably with them. All of these forms are well illustrated in the Spanish Peaks region.

Eruptive rocks have directly, or indirectly, played an important part in the production of the several varieties of Colorado coals; the change from lignite to semi-coking or coking-coal, or to anthracite, being in each case clearly traceable to the heat directly radiated by eruptive masses, or indirectly applied through the medium of hot water. The association of these rocks with metalliferous veins can be best considered in connection with the next subject.

ORE DEPOSITS.

Certain eruptives have apparently greatly influenced the conditions attending the genesis of many ore-bodies. The analyses of Leadville rocks by Hillebrand, showed them to contain very minute quantities of the precious metals and lead, only determinable when considerable of the material was subjected to analysis. Nearly all the eruptives of Summit district in Rio Grande County, can be made to yield appreciable quantities of gold by fire assay. In Europe, where many rocks of this class have been specially analyzed for metals, small quantities of the latter are usually found as an ingredient of one or more of the basic silicates. There is no reason why many Colorado eruptives should not yield like results when fully investigated. Masses of mountain dimensions, even though containing metals in mere traces, are capable of enriching the material of veins traversing them, to an extent that will make the latter economically valuable. In the eruptive rocks, and probably also in the crystalline schists, we have all the elements required in the formation of productive veins, under conditions favorable to the secretion of the disseminated contents. In but few cases does it appear necessary to call in the aid of solutions ascending from deep-seated

sources, in order to account for the origin of a particular ore-body; for admitting that metals were originally brought up from great depths, we must still regard the eruptive rocks as the most reasonable medium of translocation, since they have emanated from a source more deep-seated than it would be possible for circulating waters to attain. The theory of lateral secretion, now very generally advocated, derives additional support from the frequent association of metal veins with eruptive rocks of certain types; while other types again are seldom known to contain important ore-bodies.

Notwithstanding the study that has been given to the subject of ore-deposition, both in Europe and in the United States, and the many ingenious theories that have been advanced, we are still forced to acknowledge the fact that in all that relates to the conditions governing the formation of ore-bodies, we are yet in the speculative stage.

At the present time the following points only can be considered of general application:

That the most valuable ore-bodies occur inclosed by, or in direct contact with, either eruptive or highly metamorphic rocks; or if in sedimentary rocks, then in localities where these have been intersected or broken by eruptive or metamorphic rocks.

That they may occur as the material filling pre-existing fissures, or be deposited along contact,—or fault,—planes, by the partial or entire replacement of the constituents of the inclosing rock.

That they have been deposited from aqueous solutions, which have derived their metallic contents from the contiguous, subjacent, or not very remote rocks of the region in which they occur.

While these points cover the majority of known metalliferous occurrences, they are very general in character, and, within the limits given, the ore-bodies themselves show great variation in mode of occurrence and mineralogical composition and association.

The eruptive rocks most frequently found associated with ore-deposits are porphyries, diorites, andesites, less frequently trachytes, and rarely rhyolites, all of which belong to the class of acid eruptives.

The basic eruptives, like basalt, dolerite, etc., are seldom, if ever, associated with important ore-bodies,—hence the character of the eruptive rocks of a region may furnish a valuable clue to those who explore for metalliferous veins.

The age of the rocks inclosing the veins of a district is of little or no importance, for we find productive veins in rocks of all ages from the Archæan to the Tertiary inclusive. Nor is it likely that the oldest veins are always contained in the oldest rocks; on the contrary, veins of quite recent origin may occur in the most ancient varieties of granite. The ore-bodies of Boulder, Gilpin and Clear Creek Counties, while contained in granite rocks, are more likely to have originated during the disturbances of the mountain-making period than at any earlier time. The ore-bodies of Leadville and Aspen are contained in rocks of Carboniferous Age, yet the association of these with eruptive rocks of Cretaceous or Tertiary Age, warrants the supposition that the ore-bodies were formed at a much later period than the inclosing rocks. Concerning the other great vein-systems of the State, there can be little doubt of their Tertiary age.

The mode of occurrence of ore-bodies is likewise a feature of less importance than is usually supposed. All forms of deposits, whether fissures, gashes, bedded veins, segregations, or mineralized zones, have been found equally productive, and, in turn, marvelously rich. Nor is there any foundation, as the record of all our older mining districts will show, for the commonly entertained notion that veins increase in richness with depth.

Lithological similarity of the inclosing rocks does not indicate, as a rule, that the veins of separate districts will be of similar mineralogical composition. Thus we find the auriferous veins of Boulder County to contain combinations of gold and silver with tellurium; those of Gilpin County to contain the gold in the free state, or mechanically mixed with pyrites; while the Clear Creek County ores are largely argentiferous compounds of base metals,—yet all of these are contained in the same continuous granite formation of the Colorado Range.

It is not the intention here to enter fully upon the description of all the different mineral districts of the State; but for the purpose of illustrating the main features of ore-deposition, as exemplified by the vein systems of Colorado, and already outlined above, brief reference will be made to the best known and most important.

The remarks on the veins of Northern Colorado, just given, require but little amplification to enable one to gain a general idea of their true character. They all belong to the class known as fissure veins,—that is, they extend, more or less vertically, for a considerable distance into the earth. The granite inclosing rock is often found to be traversed by eruptive dykes, and frequently impregnated with ore adjacent to a productive vein. The want of similarity in mineralogical composition may be partly due to the dyke rocks associated with each system of veins; yet it would appear more probable that it was due to the latter having originated in separate zones of granite; each zone differing from the other in the composition of its contents, and the secretions it afforded.

The placers of Gilpin and Boulder Counties, which have yielded so largely in times past, no doubt owe their enrichment to the liberation of gold, through the constant and long-continued degradation of the auriferous veins of these districts.

Somewhat similar to the Northern Colorado deposits, but much less productive, are the auriferous veins of Independence on the head of Roaring Fork, and those of Granite on the Upper Arkansas.

In the Leadville district, which has been very thoroughly studied and described by S. F. Emmons, the ore-bodies lie in nearly horizontal position, between the floor of Carboniferous limestone and the roof of white porphyry,—or in what is termed by miners the “contact.” Sometimes the ore, in irregular form, replaces the limestone for a considerable distance below this contact. By a series of faults the ore-sheet, which was probably once continuous, has been cut up into several separate areas or benches.

The most characteristic ore consists mainly of calcareous earthy matter containing oxidation products of lead and iron; these metals

existing mostly as carbonates, frequently as oxides, and in exceptional cases large quantities of iron oxide are present. The silver in the ore is usually combined with chlorine, bromine and iodine, some of the mines producing specimens rich in horn-silver. In some mines the ores still exist as sulphides. Other ore-bodies of this district of an entirely different character,—like the Printer Boy, mainly auriferous,—have in times past served to enrich the placers of California Gulch, and probably those of the Upper Arkansas. According to Emmons the Leadville porphyry is of late Mesozoic Age (Cretaceous), hence the ore-bodies themselves must be referred to this age, or to a period still later,—that is to the early Tertiary.

Outside of the Leadville district, but yet in the same region, are many others of lesser note. At Red Cliff there are a number of productive ore-bodies, yielding oxidized silver-lead ores of similar character to those of Leadville, and occurring at nearly the same geological horizon, may be somewhat older. The deposits are found mostly in metamorphic strata, though near by are intrusive eruptives, and coarse granite is exposed in the cañon of Eagle River.

The veins of Ten-Mile district belong mainly to the class typified by those of Leadville, and illustrate very forcibly the influence of neighboring or adjacent eruptive masses on the formation of ore-bodies.

Along the Mosquito Range the same connection is apparent. The veins occur in Palæozoic strata, frequently cut by dykes of quartz-porphry, diorite or porphyrite. Some of the deposits yield auriferous ores, others argentiferous galena and oxidation products; still others, as at Mount Lincoln, approach the Leadville ores in composition.

The district around Breckenridge,—one of the oldest in the State,—includes a number of valuable ore-deposits, which on the whole cannot be referred to any particular system, owing to variation in mode of occurrence and mineralogical composition. Nearly all the argentiferous veins contain simply argentiferous ores, usually of lead and copper. There are exceptions, for instance, on Shock Hill, where base metals are absent, and the silver exists in the chloride form. Some of the auriferous

ore-bodies afford exceedingly rich ore, notably the Ontario, which, in the joints and crevices of the rock, contains beautiful specimens of matted wire-gold. The rocks in the auriferous portion of the district are often traversed by eruptive dykes, which may partly explain why the ore is, in some instances, distributed through zones of altered and enriched country rock, without well defined boundaries. On the west side of Blue River, the rocks are granitic or metamorphic.

The placers near Breckenridge were noted for their richness in times past, and are still productive. The gold of French and Leavenworth Gulches is often more or less crystalline, like that of the lodes from which it was derived.

The same region likewise includes the once rich and still productive placers of Alma, Fairplay and Tarryall.

The principal ore-bodies of Aspen lie in, or near, a highly inclined plane of contact in Lower Carboniferous limestone, or between what are locally termed the "blue" and "short-lime." The deposits of both Aspen and Smuggler Mountains, which are situated on opposite sides of Roaring Fork Valley, evidently belong to the same geological horizon, if not to the same contact-plane, and will probably be found more or less continuous in the intervening drift-covered valley whenever this shall be explored. In the vicinity of the Aspen Mountain ore-bodies, the strata appear to have been synclinally folded between the main Archæan area on the east, and an intrusive mass of granite at the western extremity of the mountain; thus producing a second series of oppositely inclined beds, also containing a few ore-bodies. Intrusions of partly altered diorite, or porphyrite, occupy a prominent position in the intervening trough, and may have seriously faulted, or dislocated, the strata in the depths. The ore is not always confined to the "contact" between the "blue" and "short-lime," but may branch out irregularly for some distance into these rocks, although such spurs or impregnations, are evidently related to the "contact" ore-bodies.

The bulk of the Aspen ores consists largely of oxidation products of argentiferous minerals, with true silver minerals, associated with calca-

reous matter and considerable heavy-spar; it is therefore what is called "dry ore," and requires to be mixed with silicious lead ores, or with matting ores, before it can be treated. A few veins, away from the main contact, yield ores containing a high percentage of lead; but they are not as rich in silver as the dry ores, and as yet do not promise to become an important source of lead for smelting purposes in this district.

The ore-deposits of Southwestern Colórado, or what is known as the San Juan country, possess great interest for students of vein phenomena; and economically considered, may eventually prove the most lasting and valuable in the State. In no part of the Rocky Mountains are metalliferous veins so numerous over such a wide extent of country.

The majority of the San Juan deposits are referable to the great system of veins common to all the mining districts of Hinsdale, Ouray, San Miguel and San Juan Counties. The origin of this system may be briefly explained as follows: During the early part of the Tertiary Period, an eruption on a grand scale, covered the higher region of the San Juan Mountains to a depth of 1,500 feet, with an overflow of brecciated andesitic lava, which on cooling, developed fissures of contraction (shrinkage-cracks) traversing the mass in all directions. The filling of these fissures corresponded to the formation of the existing system of veins, which, as a rule, terminate at the base of the breccia. Following the first grand overflow were others of less magnitude, consisting of non-brecciated andesites and rhyolites. The dynamic movement attending these later eruptions, produced in places, fissures which extend below the horizon of the breccia, into the stratified rocks, but usually cease to be productive below the eruptive zone. Again, there are ore-bodies, such as the Calliope, Boomerang, Trout and Fisherman, and Mineral Farm, which evidently do not belong to the main system, being situated far below the eruptive horizon. These deposits occur in the vicinity of dykes of andesite or diorite, which probably mark the channels of past eruptions, and apparently have had some connection with the origin of the neighboring ore-bodies.

There are still other ore-occurrences in San Juan which form, as it were, a group by themselves; among these the deposits of Red Mountain district are at present the most important. In typical cases the ore-bodies occupy a series of more or less connected irregular chambers, trending downward, which were probably at one time the channels of thermal, or mineral, springs. The action of the mineralizing water upon the surrounding eruptive rock, brought about complete silicification for some distance away from the chambers, so that the ore-bodies they contain are in each case virtually distributed through a huge irregular column of quartz extending to an undetermined depth. The ore-deposits of this district afford one of the few instances where the ascension theory can find logical application. The famous Bassick mine at Rosita has by some been cited as another; but this theory can hardly be applied to the great system which has its downward limit at the breccia.

At a number of localities in the San Juan Mountains there exist immense decomposed masses of eruptive and sedimentary material, of yellowish or variegated colors, which appear to have been acted upon by mineral waters, not confined, as at Red Mountain, to particular channels, but circulating everywhere, through joints and fractures, or along bedding-planes, producing, according to the nature of the rock acted upon, either kaolinization or local metamorphism. No doubt ore-bodies often exist in these altered masses; indeed, such have already been discovered near Ouray and elsewhere, which are considered quite important.

The bulk of the productive ore from the San Juan district consists of argentiferous gray-copper, copper pyrites, and galena, associated with some zinc-blende, and iron-pyrites in a quartz matrix. In particular districts, like Poughkeepsie Gulch, the ore often contains a high percentage of bismuth. In Marshall Basin the most productive mines yield largely of the true silver minerals, pyrargyrite and polybasite, while the ore from the same mines carries considerable quantities of gold. Other mines on the San Miguel drainage, and a few in San Juan County,

afford auriferous ores only. Tellurium has been found, in combination with the precious metals, at the Hotchkiss Mine near Lake City.

At Rico on the Rio Dolores there is an interesting group of veins entirely independent of other San Juan deposits. The ore-bodies are contained in carboniferous limestone, or in the contact between the limestone and a mass of porphyrite, or andesite; the intrusion of the latter having tilted up the sedimentary beds anticlinally, which has been deeply eroded by the river, down to and below the level of the intrusion and its associated ore-bodies. Pyrargyrite, and a few other silver minerals, are present in some of the veins, but the bulk of the ore consists of argentiferous oxidation products of lead, copper, and manganese, with considerable galena at lower levels. Large quantities of carbonic acid are exhaled along the line of the eruptive intrusion, and by its superior density displaces the air in sheltered hollows, and along the floors of tunnels, often to such an extent as to prove fatal to mice and other small animals.

The La Plata Mountains include a district which, while properly belonging in the San Juan region, has an entirely independent system of veins. It may be mentioned as one of the few localities in the world containing compounds of gold and tellurium. The mass of the La Plata Mountains is eruptive, and in places, the tilted sedimentary beds on its flanks have been partly or wholly metamorphosed. There appear to be two distinct groups of deposits in this district, viz.: Auriferous veins containing free gold, tellurides, pyrites, and sometimes, as at the old Comstock mine, argentiferous minerals like cosalite; argentiferous veins, containing galena and zinc-blende, with some silver. The matrix is usually quartz.

While small quantities of very rich ore have been produced from La Plata mines, the average is generally of low grade and often refractory. Still the district is not entirely without promise; valuable ore has been found there, and exploration may at any time develop more important ore-bodies.

Of much less value than the metal veins, yet nevertheless worthy of mention, are the San Juan placers. These are mainly on the San

Miguel, although some washing has been done on the Uncompahgre, near the mouth of Dallas Creek, and on the La Plata, below Parrott City. The gravel of the Animas also contains gold, but hardly in paying quantities. The San Miguel placers extend from Marshall basin nearly the entire length of the river, and include large quantities of auriferous drift that could be profitably worked with improved appliances and cheaper labor.

The district which includes Rosita and Silver Cliff contains some unique and interesting forms of ore-deposits, which appear to be either mineralized zones of country rock, or else ore-bodies without defined boundaries, like the Bassick. The latter extends to an undetermined depth, apparently following an old channel of deposition. In the former the silver usually exists as chloride; while in the ore-bodies of the Bassick type, argentiferous compounds of lead, zinc, copper, and occasionally tellurium, are found coating, in concentric layers, detached boulders and pebbles. The ore-bodies of this character have been thought by some to have been deposited in the channels of ancient thermal springs; a view which may be open to question, since it is not improbable that the channels are simply old eruptive vents, choked up, so to speak, with worn fragmental ejectamenta, the result, possibly, of an outflow of mud and boulders. In this case the channels might merely perform the part of receptacles for lateral secretions, and the assumption of a deep-seated source would be unnecessary. Rhyolite, trachyte, and andesite are the common eruptive rocks, and rest immediately on the granite mass of the Wet Mountain Range.*

The numerous deposits of the Elk Mountain region, including those of Irwin, Slate River, Gothic, Schofield, Crystal, Ashcroft, White Pine, Pitkin, Tin Cup, with many others, may be cited as additional instances of the association of productive ore-bodies and eruptive or metamorphic masses; an association everywhere illustrated in the mining districts of Colorado.

*This district will be fully described in a forthcoming report by S. F. Emmons of the U. S. Geological Survey.

Regarding the iron deposits of the State, little can be said until their extent has been better determined. So far as known, the workable ore-bodies are confined to the occurrences on the west side of the Sangre de Cristo near Villa Grove, at Calumet near Salida, at Ashcroft, and at several localities in Gunnison County, including those at White Pine and the deposits near Snow-Mass Mountain. The ores consist of the oxygen compounds of iron, magnetite, hematite and limonite, of average purity and richness.

Throughout the coal measures there is considerable low-grade iron-stone, and in the mountains many deposits of bog-iron; but neither of these are sufficiently rich or pure to be utilized, except for fluxing purposes, even under the most favorable circumstances.

Tin-ore has not yet been found in Colorado in important quantities, but its existence has been proved in the Pike's Peak region, where a few specimens of tin-oxide have been obtained by mineralogists; hence there is a possibility that deposits may be found somewhere in the great Archæan areas.

Nickel-ore occurs in limited quantities at the Gem Mine, near Silver Cliff; and a small amount of uranium has been taken out near Central City.

To describe here all the mineral deposits of the State, which have a present, or prospective value, would be out of the question; certain occurrences, however, possess too much interest to be entirely overlooked.

In the remarks on the Green River Eocene, allusion was made to the richness of the shales of this group in condensible, *i. e.*, liquid, hydrocarbons. The great thickness and extent of this formation in the Book Cliffs Plateau, invites the consideration of it, as a future source of mineral oil. It must not be supposed that the present petroleum supply of the United States can be maintained indefinitely, and a serious decline in the production might so advance the price of the commodity as to render profitable the distillation of the richer shales of the Green River beds. From the tests that have been made it is known that in the Book

Cliffs exposures, along Grand River, there are as many as fifty bands of marly limestone, ranging from two to ten feet in thickness, which will yield twenty per cent. of crude oil; while of the remaining 1,200 feet there is much that will yield ten per cent. The richer carbonaceous material can, if necessary, be used as fuel in the distillation process, since it burns readily when ignited. The distillation of the Scotch shales, yielding from ten per cent. to fifteen per cent., is one of the most profitable industries in the British Isles, and it is only a question of time when a similar industry will be developed in Colorado.

Among other noteworthy occurrences may be mentioned the great bed of white marble on Yule Creek, in Gunnison County. On both sides of the creek this bed is exposed, dipping westward about 30° , and finally disappearing under partly metamorphosed limestone of the same age (Upper Silurian?). The marble stratum, denuded of its limestone covering by erosion, is shown resting on the slope of White House Mountain, and reaching half way to its summit.

On the weathered surface the rock has been acted upon by frost, and crumbles readily; but shallow excavations develop the solid marble intact. Like the product of similar deposits in Vermont and elsewhere, the Yule Creek marble varies in quality, from grades suitable only for architectural purposes, to the highly prized "statuary."

A diamond drill hole, normal to the planes of bedding, showed the thickness of workable marble to be about eighty feet; and the core clearly demonstrated its firmness and excellent quality.

The other rocks of economic value have already been mentioned in connection with the formations containing them,—it only remains to note the most interesting and valuable of our non-metallic minerals.

The Pike's Peak region has long been celebrated for its beautiful specimens of bluish-green microcline (amazon-stone) which have been exported in large quantities to different parts of the world. The crystals of smoky-quartz, associated with the amazon-stone, are cut into gems, in which form the mineral is much used for cheaper kinds of jewelry, finding a ready sale under the trade name of "smoky-topaz."

Among gem-stones of a higher grade, occurring in the same region, may be mentioned true topaz and phenacite. The latter, notwithstanding its rarity, is not often cut into gems, owing to want of hardness. The topazes furnish very fair stones when cut, which are generally limpid or of a bluish or wine-colored tint, and range in weight up to 150 carats, or more. The beryls (aquamarines) from Mount Antero, furnish small gems, up to three carats weight. Corundum occurs in small crystals in a band of schist (corundum-schist) near Calumet. The crystals are usually of a bluish tint, and in places, they possess sufficient clearness and d-pth of color to entitle them to be called sapphires.

Zircon crystals, which are abundant in some Pike's Peak localities, have been exported to the Eastern States for the extraction of the earth zirconia; but the bulk of the supply of this substance comes from the Southern States.

Colorado contains many other beautiful and rare minerals, and not a few that are new to science. Many of them are highly valued as mineralogical specimens, but find little or no application in the arts.

In concluding the foregoing brief sketch of our geological history, there remains but to emphasize the most important part of the record. In the time intervening between the beginning of the Laramie and the close of the Tertiary,—a period very short indeed, when compared with the whole geological time,—the great coal measures were deposited, and the entire region elevated above the ocean by the continental revolution. Following this came the great eruptions, the deposition of nearly all the valuable ore-bodies and the final upheaval and crumpling of the Rocky Mountains. The same period witnessed, also, the sudden appearance, and gradual development in Colorado and Wyoming, of some of the most remarkable types of mammals the world has ever seen.

Beyond question, the continental revolution was the prime cause of the changes associated with the origin of our mineral wealth; for the period just mentioned coincided with the beginning and the end of this revolution, and all the changes were directly connected with the several phases, of which the record is well preserved.

CHAPTER IV.

1872—SUCCESS OF THE NARROW GAUGE EXPERIMENT—THE DENVER PACIFIC CONSOLIDATED WITH THE KANSAS PACIFIC—OUR FIRST RAILWAY WAR—A YEAR OF RAILWAY PROJECTS—CENTRAL CITY ANTICIPATES A GOLDEN FUTURE—COMPLETION OF THE COLORADO CENTRAL TO BLACK HAWK—BUILDING OF THE ARKANSAS VALLEY RAILROAD TO PUEBLO—W. B. STRONG'S VISION OF A GREAT SOUTHERN METROPOLIS—THE DENVER AND SOUTH PARK RAILWAY—NARROW GAUGE CONVENTION IN ST. LOUIS—OLD STAGING DAYS IN COLORADO—J. HARVEY JONES AND HIS STAGE DRIVERS—MOVED BACK BY THE IRON HORSE—BANKING AND INTEREST RATES—EXTRAVAGANCE GIVES WAY TO ECONOMY.

Reviewing further the progress of the Rio Grande Railway in its experimental stages, we find that machine and repair shops, with car building works, were erected at the point three miles above the city, on the Platte River, now known as "Burnham Station," by the Denver & Rio Grande Company, in the autumn of 1871. At this time the working force comprised three machinists, three laborers, one boiler maker and one pattern maker. Meanwhile the success of the narrow gauge experiment had been, if not fully, very satisfactorily demonstrated by the operation of the first division. It proved of material commercial value, also, to the City of Denver in the way of additional trade. Prior to its opening the only lines of exterior traffic which brought tribute to this city were in the mining regions of Gilpin, Clear Creek and Boulder. Merchants in those parts who were financially able to purchase by the carload in Chicago or St. Louis, used Denver only as a stocking point, to fill the minor deficiencies. With the inauguration of the new artery commerce began to expand, by small degrees at first, but in a manner to indicate heavy accessions when the most populous centers south of the Divide should be placed in communication by rapid transit. A few

orders came in from New Mexico, a trade territory that was to be extensively cultivated. It was hoped that as the narrow gauge railroad proceeded further and further southward under the great scheme projected by Palmer, Denver would in time supply the principal towns lying south of Colorado. It was not then anticipated that a gigantic rival, the Atchison, Topeka & Santa Fé, would step in and crush these aspirations by diverting the trade of both sections to Kansas City. Some delicious dreams were indulged in by our wholesale merchants, of the rich commerce to come to them from these prolific fields. No doubts of its acquisition were entertained. It was one of the certainties of the immediate future. A few years later, before they had enjoyed even a reasonable opportunity to establish friendly relations with Santa Fé, every stone in their carefully reared fabric was ruthlessly pulled down by the rough iconoclasts of the Atchison Company. Nor have our people since been able to secure more than a fraction of their anticipated trade in that direction.

Meanwhile the Denver Pacific Railway had become a prominent disturber of railway traffic between the East and the Pacific Coast. The first week in March, 1872, matters reached a crisis which impelled the resignation by Governor Evans of the presidency, when Gen. R. E. Carr was chosen in his stead.

This proceeding, brought about after some rather acrid discussion, gave the Kansas Pacific full control between Kansas City and Cheyenne. The impossibility of making an equitable arrangement for through business with the Union Pacific while the management was divided between two distinct companies, led to the change. The consolidation was a sudden surprise to the entire community. The reasons subsequently made public were, in substance, that the original charter for a Pacific railway provided for one main continuous line and a system of branches. The Central and Union Pacific Companies were to construct eastward and westward respectively, forming a junction at an intermediate point. The Eastern Division was one of the branches provided for in the system, and it was required to make connection with the main

trunk, first on the one hundredth meridian, but it was subsequently changed to read at a point not more than fifty miles west of the meridian of Denver; this, in accordance with the Congressional act of 1866, changing the Kansas Pacific route from the Valley of the Republican to the Smoky Hill. The charter provided, also, that the two roads should pro rate with each other on through business, and be operated as one line,—not two distinct lines, each endeavoring to harrass and cripple the other to their own injury and the detriment of the people they were created to serve.

When the Kansas Pacific was completed to Denver, and had thus made its proper connection, as it supposed, or assumed, with the Union Pacific at Cheyenne via the Denver Pacific, Gen. Carr demanded the pro rate for its west bound traffic, and was promptly refused, on the ground that the connection had not been made in compliance with the requirements of the charter, the Denver Pacific being an independent line and in no legal sense a part of the Eastern Division. By this course of reasoning, which was not sustained by the facts nor by the courts, the Union Pacific, having no interest in or sympathy with Colorado, was enabled to put an effectual embargo upon its western traffic, and, in its results, shut it out from any business communication with the States and Territories outside its own borders, except Kansas.

The true secret of the opposition of the Union Pacific proved to be that it desired to compete for the Colorado carrying trade over the Denver Pacific track, and its managers took this method of enforcing that consummation. In making the consolidation, the Kansas Pacific hoped to accomplish its purpose of compelling the pro rate, but its powerful adversary remained obdurate, yielding not an inch of its advantage. It would neither pro rate nor recognize the Kansas road as a connecting line. Driven to extremities, Carr and his associates drafted a memorial to Congress quoting the law relating to the Pacific railroads, epitomizing the facts stated above, and praying that body to compel the Union Pacific to obey the law. This memorial was sent to the legislatures of Colorado, Kansas and Missouri for indorsement, and thence to

Congress, accompanied by a powerful lobby to urge the passage of proper remedial legislation.

In the meantime the war continued to rage fiercely. Merchants and consumers alike suffered great damage by the contention and the embargo. The Kansas Pacific was never a profitable line. Debarred from through business, it had great difficulty in meeting current expenses. It may be interpolated here, that until after its incorporation with the Union Pacific system by Jay Gould and Russell Sage, it was neither well patronized nor well maintained. Its ties rotted and were not replaced with new ones; its iron wore out and was not relaid; its traffic was insufficient to meet its fixed charges, and it declined from year to year until, when well nigh wrecked, it fell into the hands of the great dictator.

Tom Scott, on behalf of the Kansas Pacific, proposed as a compromise between the contending roads, a through rate from Ogden to Kansas City, whereby the Union Pacific would receive sixty per cent. and the Kansas Pacific forty per cent. of the charges, but even this liberal concession was curtly declined.

The Senate Committee on Pacific railroads, after duly considering the memorial and the bill which accompanied it, decided in favor of reporting the bill compelling the Union Pacific to give the Kansas branch an equitable pro rate in its through business between Cheyenne and Ogden, but the measure was not brought up for action until near the expiration of the session, therefore it was buried in the debris of the adjournment and was never revived until after the admission of the State, when Senator Chaffee forced an agreement, as will appear hereafter.

In March, 1872, a company was organized with the declared intention of building a railway to Georgetown, and thence across the mountains by the most feasible route to Salt Lake City, to effect a junction with the Central Pacific at Ogden. This was a bold move by the Kansas Pacific to secure an independent outlet to the coast. Carr, Evans, Moffat and Perry were among the leaders. The design was first to connect Denver with the chief centers of mining, and second to penetrate and develop the well-known resources of the Middle and North

Parks, where lay immense treasures of coal, iron, petroleum, gold and silver. The line was to begin at Denver, running thence westerly through Mount Vernon Cañon via Idaho Springs to Georgetown, and thence over the Range,—Black Hawk and Central City to be connected by a branch. R. E. Carr was chosen President, John D. Perry Vice-President, R. R. McCormick Secretary, and D. H. Moffat, Jr., Treasurer. Perry was appointed a commissioner to negotiate with the people of Clear Creek County for a liberal subscription in the form of county bonds. Evans, Hughes and others, also visited and addressed the people on the subject. As a result, the County Commissioners submitted a proposition to the electors to vote two hundred thousand dollars in aid of the enterprise.

About the same time the Colorado Central Company, supported by the Union Pacific, proposed to build a narrow gauge short line from Julesburg, or Pine Bluff, up the valley of the Platte, taking in Greeley, Evans, Longmont and the Boulder Valley coal fields, to a junction with the Colorado Central, at a point about midway between Denver and Golden City. This project was an outgrowth of the intense rivalry between the Kansas and Union Pacific roads, and local contentions between Denver and Golden. It was advanced, apparently, as a foil to the proposed Denver, Utah & Pacific,—otherwise the High line,—and intended to strike a decisive and paralyzing blow at the supremacy and arrogant pretensions of Denver by virtually destroying the Denver Pacific, and giving Golden the prestige of a railway center. It became the subject of a long and bitter controversy. For months the newspapers blazed with arguments for and against the scheme. It provoked lively antagonisms between differing factions here and elsewhere. The Colorado Central interest, led by Henry M. Teller and W. A. H. Loveland, was arrayed in deadly hostility to the Denver interest, led by Carr and Evans. The former with some show of right, regarded the mountain counties as their exclusive property. They had mapped out a system of roads for Gilpin and Clear Creek, and while they could do little or nothing toward building them, resolutely determined that the Denver

people, having no right there, should be kept out. Human passions were stirred to their depths. It was war to the knife, and knife to the hilt,—Golden against the “Cherry Creek settlement,” Teller against Evans, and the Union Pacific practically master of the situation, though acting perfunctorily. It wanted to hold the line, but manifested no active desire to build.

As an offset to the Colorado Central proposition to build from Julesburg on the north side of the Platte to Golden, the Denverites proposed a standard gauge from Fort Kearney straight to their city. After this had been argued for a time, it was discovered that it would virtually kill the Denver Pacific, without affording them any material relief.

At the election held in April, 1872, Clear Creek County, exasperated by the long unredeemed pledges of the Colorado Central Company, and perhaps trusting too implicitly to the assurances given by the Denver, Utah & Pacific, voted in favor of aiding the latter. Teller, Loveland and their associates opposed this action at the polls, but were unable to defeat it. However, the movement came to naught.

The extension of the Boulder Valley road from Erie to Boulder was effected by the enterprise of some of the principal citizens of that town, who subscribed the funds to grade and tie the roadbed. This work was begun on the 21st of March, 1871. Having executed their part of the agreement, the people naturally expected a prompt response on the part of the company, but nothing further was done until the early days of June, 1872, when the property was transferred to the Boulder Valley Railway Company. Col. L. H. Eicholtz was then commissioned to put in the bridges and lay the iron. After many delays the road was finally completed to Boulder September 2, 1873.

In June, 1872, Gen. T. E. Sickels, chief engineer of the Union Pacific, appeared in the Territory, evidently commissioned with the duty of reducing the affairs of the Colorado Central Company to some kind of practical order, and thereby enable his company to build the line to Black Hawk. The people of Gilpin and Clear Creek Counties becoming impatient, resolved to have a railway, and openly declared that if the

Union Pacific delayed much longer they would lend all their influence to any company that would pledge itself to make the connection. A pleasant and rather sagacious diplomat was Gen. Sickels. The impression he made in his walks and talks with the people was highly favorable to the successful issue of his mission. In 1871 Gilpin County had voted three hundred thousand dollars in bonds to the Colorado Central Company, yet very little had come of it. It had then been stipulated as a part of the contract that the road should be completed to Black Hawk by May 1, 1872, and that it should be extended to Central City and Nevada. But the undertaking proved too great for the limited time, and the limited means employed in the work. Hence the bonds were forfeited. Moreover, a strong feeling of hostility had been incited by the long and perplexing inaction.

Sickels, having carefully measured the general sentiment, invited conferences with deputations of prominent citizens, and finally with the County Commissioners, with whom, after due explanations, a new treaty of alliance was perfected. This was, in effect, that a new proposition to vote two hundred and fifty thousand dollars in bonds should be submitted to the electors, with the proviso that the railroad company should finish its line from Golden to a point near the junction of North and South Clear Creeks by September 1, 1872, to Black Hawk by the first of January, 1873, and to Central City within one year. The extension to Nevada was relinquished on the ground of engineering difficulties, but the terminus at Central was to be at a point substantially the same as that now employed.

Sickels, in his extreme anxiety to reach a distinct and favorable understanding, made many verbal statements to the author and others concerning rates to and from the mines, which, could they have been realized, would have established much pleasanter relations between the people and the company than now exist. For example, he stated to me personally, that a maximum charge of two dollars per ton on freight from the Valley to Black Hawk would be ample, affording the road satisfactory profits upon the tonnage as then estimated.

The people of Gilpin County formed many radiant pictures of their destiny when the road should be secured. It was their expectation that Central would develop into a large and prosperous city, the seat of a golden empire; the center of industrial and speculative enterprise; of vast commercial houses; of palatial dwellings, and in the course of years would become the supreme influence in the land. It was not only to rival, but eclipse the rather nebulous splendors of Denver, and set all other towns wild with envy. Partly upon this assumption the Teller House was built by our senior Senator at the National Capital, wherein was irretrievably sunk a large part of his private fortune. An odd expression used by Mark Twain,—“They danced blithely out to enjoy a rainbow, and got struck by lightning,”—seems to fit the case.

After two years of labor and almost continuous turmoil, the Colorado Central narrow gauge was finished to Black Hawk, on Sunday, December 15, 1872. The depot used was a stone mill, erected some years previous by Gen. Fitz John Porter, then manager of the New York & Colorado Mining Company, but never used for the purpose intended. It soon became evident that this was to be for a long time, if not the permanent, terminus of the road, whereat the people of Central complained vociferously, but without effect. The engineers found it impossible to build the road straight up the gulch, therefore the only alternative was the “switchback,” subsequently resorted to, but which at that time the company was not prepared to undertake. The County Commissioners therefore cut off fifty thousand dollars from the amount of bonds voted, as a fair compensation for the loss of the extension. The terminus remained at Black Hawk until the 21st of May, 1878, when the last rail was laid, and the last spike driven, at or near the present site of the depot in Central City.

The first locomotives used on the road between Golden and Black Hawk were, if I remember rightly, second hand machines, suited to the ordinary purposes of construction trains, but wholly unsuited to so large and various a traffic as that which sprung up when the road was com-

pleted. They were equal to hauling only two or three loaded freight cars over the tremendous grades and innumerable curvatures.

In July, 1872, Boulder County voted two hundred thousand dollars in bonds to the Golden and Julesburg railroad, and a week later Weld County voted one hundred and fifty thousand to the same project. The line as now proposed was from Julesburg to Greeley, thence up the Platte to the St. Vrain, up that stream to Longmont, thence via Boulder and the Marshall Coal banks to Golden City.

About the middle of September, 1872, Gen. Carr, President, and Superintendent Bowen of the Kansas Pacific, arrived in Pueblo, where they were joined by Col. Lamborn of the Denver & Rio Grande. They met and conferred with a committee of citizens at the office of Wilbur F. Stone, attorney for the Rio Grande, with a view to devising ways and means for the extension of the Kansas road to Pueblo. Carr was extremely anxious to make the connection, and the people were by no means averse to having a second outlet, provided the terms could be made mutually agreeable. Carr offered to build if the county would subscribe three hundred thousand dollars to the stock, and upon this basis would sign a contract to have the road in operation within eighteen months from the date of the ratification of the agreement by the people. The Committee informed him that his terms were too high, that no such proposition would be accepted if submitted, and flatly refused to be the bearers of it to the Board of Commissioners. While the people were friendly to the Kansas Pacific, and would probably respond to a reasonable call for aid, they could not be induced to add three hundred thousand dollars to the obligations already incurred. It was finally arranged that the Commissioners should be petitioned to submit a subscription of two hundred thousand dollars, with the stipulation that the terminus should be located on the north side of the Arkansas River, and the depot buildings within a mile of the court house.

While these negotiations were pending, the Atchison, Topeka & Santa Fé, which had been rapidly pushed westward, began to investigate the opportunities for a branch from its main trunk to Pueblo. At

this time its roadbed had been graded to a point about forty miles below Fort Lyon. Regular passenger trains were running to Fort Dodge. The Kit Carson branch of the Kansas Pacific had been graded to within ten miles of Fort Lyon.

On the 20th of November, 1872, articles of incorporation of the Kansas & Colorado Railway Company, afterward changed to the Pueblo & Arkansas Valley, were prepared and filed. The object, as set forth in the charter, was to construct a road from the eastern line of Colorado Territory up the Valley of the Arkansas via Pueblo into Lake County. The capital stock was placed at one million dollars. The trustees for the first year were Thomas and Joseph Nickerson, Isaac T. Burr, F. H. Peabody, Alden Speer, C. W. Pierce, C. K. Holliday, D. L. Lakin and T. J. Peter. This company proposed to form a connection with the Atchison, Topeka & Santa Fé road, and it was understood to be a branch of the same.

The introduction of this new and aggressive factor was by no means palatable to the Kansas Pacific directors. It provoked also all manner of contentions among the people. Carr had been slow and deliberate in his movements. On the other hand, the manager of the Atchison was energetic and rapid. Pending the expiration of the call for an election to vote on the Kansas Pacific subsidy, he adroitly slipped in and laid before the commission a more attractive proposal. This opened a general war; the people split in factions, each contending with its best ability for its particular view of the questions involved. With each day the battle grew more and more animated; it was the paramount and all absorbing topic on the streets, in the stores, shops, hotels, everywhere. The excitement fattened upon various reports and rumors set afloat from day to day. The Atchison people plunged into the conflict with their sleeves rolled up. W. B. Strong, until recently (August, 1889) the President of the company, while acting as its Vice-President and General Manager in 1878-79, personally related to me that he had conceived the idea of building to Pueblo, and by the various influences he could bring to bear, to create a powerful trade center at that point,

that would sap and possibly undermine the commercial prestige of Denver. He had in view a number of extensions, notably to Cañon City, and thence into the mountains via the Grand Cañon of the Arkansas, with perhaps a line into the San Juan country. It was his purpose to so concentrate the traffic of Southern and Southwestern Colorado at Pueblo as to entirely cut Denver out of any participation in the trade of that part of the country. Large wholesale houses in dry goods, groceries, hardware, clothing and other lines were to be established, and supplied from Kansas City over his road. This is, in brief, a fair outline of his plan. We shall see as this history develops, how and why it failed.

The infusion of this new element, the predetermined sweeping revolution in the carrying trade of the South; the sudden and amazing transition from wagon transportation and slow coaches to which the people had been so long accustomed, and to which their intercourse with other communities had become attuned, produced much unwarranted local disturbance. Here was the promise of two more roads that when built would transfer all desirable prestige from Denver to Pueblo. Those who had little to lose were for both, but the more conservative who had to foot the bills studied the question from all sides, turning their faces toward the one that promised most for the immediate future. Each asked for two hundred thousand in bonds, but one must be sacrificed. They had already issued that amount to the Rio Grande, and could ill afford to treble the burden. The Kansas Pacific being first in the field, the County Commissioners submitted its proposal to be voted on December 3, 1872. A few days prior to that date the Atchison people secured the ears of the commissioners and persuaded them to order a postponement of the election to the 21st of January following, and at the same time to call an election for a vote on their proposition a week earlier, otherwise on the 14th of January. This action, while it delighted the Atchison faction, excited a storm of indignation from its opponents, who boldly charged the commissioners with having been corrupted. They denounced the Atchison as a bankrupt corpo-

ration that was simply playing a game of bluff without serious intention of carrying out its pledges. Nevertheless, the bonds were voted in its favor, and the building of the Pueblo & Arkansas Valley road was the result.

The Atchison, Topeka and Santa Fé Railway crossed the State line of Colorado, en route to New Mexico, January 1, 1873, and was extended to Granada, twelve miles beyond, a town of its own creation, on July 4 of that year, where it rested for a time. In December, 1875, it was advanced to La Junta. The branch to Pueblo was completed February 26, 1876.

The first annual fair of the Southern Colorado Agricultural and Industrial Association was opened October 9, 1872, and continued four days. Its President was George M. Chilcott; Vice-President, Richard Gaines; Secretary, Frank S. Pinckney; Treasurer, Wilbur F. Stone. It was a very creditable exhibit of the resources of the region, was well attended, widely advertised, and attracted some immigrants, which was the principal design.

September 30, 1872, articles of incorporation for the Denver & South Park Railway were signed by Bela M. Hughes, Joseph E. Bates, Charles B. Kountze, D. H. Moffat, Jr., Frederick A. Clark, Fred. Z. Salomon, Henry Crow, W. S. Cheesman, and John Evans, and filed with the County Recorder October 1. The route defined was from Denver to a point in the South Park, to be fixed at a subsequent date. Like all local projects except the proposed High line to Central and Georgetown, that was built only on paper, it was to be a narrow or three foot gauge. The capital stock was placed at two millions and a half, and the term of its existence at fifty years.

Nine trustees were chosen, comprising the corporators named above, with Leonard H. Eicholtz and J. C. Rieff. This enterprise, like that of the Rio Grande at the outset, seemed to the superficial observer wholly chimerical. There was no visible prospect of securing traffic enough in that direction to pay the running expenses. Excepting Littleton, there was no settlement whatever on or near its route. It was by far the most

expensive line thus far projected. There was scarcely an acre of ground under cultivation between Denver and Fairplay, along the projected line. It is true that in the Platte Cañon there were extensive belts of pine timber, and along the base of the mountains immense quantities of building stone, lime and gypsum, but none were opened, nor was there any considerable demand for such products. The best the public journals could say in commendation of the enterprise was, that the South Park was an unsurpassed dairy section, while some of the intermediate valleys were susceptible of cultivation, and combined all the essential prerequisites for the production of butter and cheese. There were some mines, but they were comparatively undeveloped. It was a fine grazing region,—had been so from time immemorial. For centuries anterior to the "Pike's Peak immigration" it had been the favorite resort of every species of quadruped game, and the classic ground of the old hunters and trappers. California Gulch had been worked out, and Leadville was unknown, undreamt of.

Notwithstanding, these railway trail blazers who were given to building the roads first and developing the country afterward, persevered in their apparently unpromising work. By the time the road had been finished to Morrison, the panic of 1873 struck and overwhelmed them. It seems to have been the fate of every railway scheme undertaken by John Evans to meet with about all the trials and obstructions in the calendar.

The trustees elected as officers of the company John Evans, President; D. H. Moffat, Jr., Vice-President; George W. Kassler, Secretary, and Charles B. Kountze, Treasurer.

In October, 1872, articles of incorporation of the Morrison Stone, Lime and Town Company were filed, and bore the signatures of John Evans, D. H. Moffat, Jr. and Henry Crow. Its purpose was the development of the resources in stone, lime, gypsum and other raw materials so lavishly diffused about that region. A town was laid out. The first division of the South Park railroad was built to Morrison, and there remained for some time.

The splendid results achieved by Gen. Palmer and his skillful aids in establishing the practicability of the narrow gauge principle, attracted universal attention. It had become one of the most notable new railway enterprises of the Continent. But that it was still in the experimental stage was clearly indicated by the character of the locomotives, the lightness of the iron rails, and the rolling stock. The trains were but tiny affairs which suggested the idea that any ordinarily powerful gust of wind might lift them off the track and scatter them over the prairie.

But we started out to say that the attention given these efforts resulted in a convention of narrow gauge railway builders, in the city of St. Louis, on the 28th of June, 1872. It was a large and eminently respectable gathering, which took up and seriously considered all the questions involved. The managers of the Rio Grande, by means of their prominence, were looked to for the best light attainable.

In the course of the proceedings a committee was appointed to report upon the peculiar merits of the system, and Col. W. H. Greenwood was made its chairman. The report submitted was lengthy, covering all the developed facts at that early stage of progression. The three feet gauge was recommended as a standard for the country at large, because it would secure uniformity, and was best adapted to the construction of through trunk lines from East to West, and from North to South. The system commended itself to the judgment of railway builders on account of its cheapness in comparison with the broad gauge, and its adaptability to rolling and mountainous regions; because the cost of operation was twenty-five per cent. less than the broad gauge; because the expenditure of power stands, or then stood, in the relation of about thirty-five to fifty-four in freight, and eleven to thirty in passenger tariffs. It was especially commended for use in the Southern States, and for the quick development of sparsely settled sections, because its smaller cost placed it within the means of such sections as could not well afford the more expensive gauge. In short, it was the deliberate opinion of these elated revolutionists that the reign of the broad gauge

as the controlling power on this Continent would be broken by the rapid growth of the new idea.

Yet, after seventeen years of trial, while it has made more than ordinary progress, it has created no material diversion in railway affairs. The Colorado system is undoubtedly the most extensive and perfect of its class in the world, and while the same gauge has been adopted in Canada and in various parts of the United States, it has not superseded the standard in any country where the latter was wholly practicable, and even here, under the recent presidency of Mr. D. H. Moffat, the main line of the Rio Grande is being gradually changed to the standard.

In 1872 there were seventy-four narrow gauge railways in the United States, and five in Canada, the latter being, however, three feet six inches instead of three feet wide. There were at that time, including those in Colorado, something over one thousand miles of such roads under construction in the United States and Canada.

The incoming of railways caused the disappearance of the admirable stage lines, which from the earliest settlement had enlivened the streets of the commercial and political metropolis. Rejoice as we may that they have been eliminated from the problem, never to be restored, the memory of their old-time impressiveness is a pleasant one to the pioneer whose association with and dependence upon them for mails, express matter, and more rapid locomotion than walking, and many other conveniences, endeared them to him. None who lived in the period from 1859 to 1870 will forget the gaudily painted and rather imposing Concord coaches, drawn by six splendid horses, guided by the most expert reinsmen in all the land, as they dashed through the then uncrowded and sparsely settled streets to or from the central station, where their burdens were received or deposited. Nor will those who survive him fail to cherish among the happier recollections of their lives the winning smiles and gentle presence of the managing agent, Mr. J. H. Jones, who from 1867 to the day of his death presided over the stage and express office. He was one of the noblest types of men that ever the Almighty set his seal upon; a great, generous, sympathetic

heart, filled with benevolence; with malice toward none, with charity for all, pursuing the right as God gave him to see the right, from the beginning to the end of his days; affable, refined and affectionate, passionately attached to his family and more intimate friends; possessing in a higher degree than I have elsewhere witnessed the graces and the sum total of all that constitutes our grandest ideal of perfect manhood. His mind was as clear as a silver toned bell, quick to grasp the conditions presented, and as quick to give his decision and to execute the strict letter of his duty. His views of men and events were broad and catholic, his manner under all, even the most trying circumstances, courteous and agreeable. We cannot imagine the nature of the man who, knowing him, could feel any sort of bitterness toward him. Yet when firmness was necessary, no man could be more positive and unyielding. His deportment among his fellow men during the most perplexing and wearying cares of his office was the very essence of kindness and good will. His inflexible fidelity to his employers and to the public interests, illustrates in some degree his fine administrative abilities, while his efficient mastery of the rude elements with which his lot was so frequently cast for so many years, gives further proof of his sterling qualities.

J. Harvey Jones was born in the Old Dominion of Virginia, whence, while still a young man, he removed to Missouri. In 1853 he was a freighter on the plains between the trading stations on the Missouri River and Salt Lake City. He came to Denver in 1867 as the agent of the Wells-Fargo Express Company, which then conducted a line of stages from Fort Kearney to Salt Lake City and California. For twenty-one years he was one of the most familiar and lovable figures in our city, and during all that time was seldom absent from his desk in the office.

Oh! those old staging days! While we may rejoice that they have passed "to the long roll of the forgotten," what a procession of scenes exciting and pleasant are recalled as we write of them. How delightful it was to see this genial director and his beautiful, sprightly children hovering about the coaches in the early morning, while they were being

loaded for the East six hundred miles away, or for the mining camps among the snow-crowned mountain tops; the hardy, sun-browned, weather-beaten faces of the incomparable drivers beaming down upon them, their hearts softened and refined by the innocent prattle of the children,—whom each would have periled his life to save a sorrow,—as they danced gleefully about the horses, or clambered up to the lofty perch in the box and chattered to them as they sat awaiting final orders.

But there were days when these coaches and their drivers were forced to rush wildly through the red flames of Indian wars, when they came in riddled with bullets, with now and then dead and wounded passengers; when for hundreds of miles savage foes lay in ambush for them, bent upon their destruction; when armed guards sat upon the decks and fought off the red devils while the horses ran the gauntlet of their fierce onslaughts. And there were days, too, when tornadoes, cyclones and blizzards swept over and engulfed them; when coaches and horses and drivers, covered with snow and sleet, wandered through days and nights out upon the trackless desert in the vain search for a thoroughfare and for shelter. Few, if any, of the drivers, no matter how fierce the trials that environed them, ever deserted their posts or failed to bring their precious consignments to a harbor of safety. Surely no tribute of honor and praise is too great for the work they did and the perils they encountered in the times that tried men's souls to the uttermost.

In becoming a center of railways Denver ceased to be a center of staging. First we had the C. O. C. and P. P. express; next Ben Holladay, succeeded by Wells-Fargo, and they in turn by John Hughes & Co., and finally by Spottswood, Bogue & Co., with the Smoky Hill, Butterfield line sandwiched between. The Western Stage Company also established a daily line of coaches from Omaha to Denver and thence to Central City in 1859. When the Colorado Central began running trains to Golden City, six-horse coaches ran daily from that terminus to Black Hawk, Central City, Idaho and Georgetown, via Virginia Cañon. A tri-weekly line plied between Denver and Fairplay,

making the long trip over the rugged roads and high mountains in eighteen hours, stopping over night on the way. At Hamilton, in the South Park, stages ran tri-weekly to Breckenridge. A similar line was established between Colorado Springs and Fairplay via Manitou and Ute Pass. The Colorado stage company having these lines in charge ran a coach weekly between Fairplay and Cañon City. From the former point to Granite, then a productive gold mining camp, a wagon conveyed passengers, mail and express once a week. From Central City to the silver mines about Caribou and Nederland, in Boulder County, M. F. Beebee, of Black Hawk, ran a regular line of coaches or wagons.

The Denver & Rio Grande railroad put an end to staging between this city and Pueblo. For some years Mr. A. Jacobs owned and operated the stage line between the two cities, and it bankrupted him for the want of patronage. From Pueblo, Barlow, Sanderson & Co. ran a tri-weekly coach up the Arkansas River to Cañon City, tri-weekly down that stream to Fort Lyon, and daily southward to Trinidad, Cimarron, Fort Union, Las Vegas, Santa Fé and other towns in New Mexico. On some, indeed most parts of their lines, wild Mexican bronchos were employed, animals which, though strong and fleet and serviceable, were wholly untameable. I remember taking a trip over these lines in the early days, when several brawny men were required to get the bronchos into harness, and when hitched to the coach, to hold them from running away with it before the driver could seat himself and secure a firm grip on the reins. When he was ready he gave an Indian war whoop, the attendants let go, when the bronchos shot off like the wind, keeping up the headlong flight until well nigh exhausted. Stopping at Bent's Fort to change, it was with the greatest difficulty they were unhitched, but once loose the leaders darted off to the Arkansas bottoms, rearing, kicking and plunging as if actually insane, and as if nothing short of a rifle ball, well aimed, would ever again place them under control. At another place one of the infuriated beasts broke loose and fled up a mountain side, over rocks and through dense thickets, until stripped of his harness.

There are some among the early settlers, but chiefly confined to the rural districts, who entertain the profoundest contempt for railroads, telegraphs and all modern improvements; who irreconcilably bemoan our decadence from the good old staging ways as a sufficient means of rapid transit, and ox trains for the conveyance of whisky and merchandise. They cannot endure the later civilization, having no respect for, nor part in it. The coming of the locomotive meant to them the utter annihilation of the old order of things, destruction of sacred idols and temples, the introduction and encouragement of vandalism. Not along the highways, but in the by-ways, remote and secluded places, these old hermits are still to be found, and if the occasional traveler who meets them will but lead up to the subject, they will recount marvelous tales of by-gone days when they were young and living forces in a land now peopled by men whose ways are not their ways. But one must accept these recollections with due allowance, for however honest in relating them in old age, their memories are not to be trusted for the retention of exact details. Nevertheless, they will be interesting.

In the summer of 1872 the money market in Denver, though evincing premonitory symptoms of the approaching panic of 1873, was reported easy, with interest rates at from eighteen to twenty per cent. per annum, on first-class commercial paper. Extortionate as these rates seem to us of the present day, they were considered quite liberal when compared with those of the previous decade, when they ranged between five and twenty-five per cent. a month, on substantial collateral. It is a fact that George W. Brown, who established one of the first banking houses in Denver, and was also one of the first Collectors of Internal Revenue appointed by President Lincoln, loaned money in small sums at twenty-five per cent. per month. Most of his contemporaries did the same. Money was money in those days, and the fortunate few who possessed it were able to secure any rate they chose to demand. For years the ruling rate on commercial paper at the regular banks was three per cent. per month, and from that to five per cent. Though the charges were extortionate, the risks were proportionately great, as there

was no fixed value to property. Under the prevailing instability of things the man or bank which loaned money had to take serious chances.

The disgust of the old frontiersman, who exclaimed when he saw articles in a store marked "seven cents," for which he had been accustomed to paying a dime or a quarter, that the country was going to the devil now that the storekeepers were making change with copper coins, expressed the prevailing sentiment down to about 1870. It was some time, however, before nickels were introduced and decently accepted, but there we drew the line. The epoch when twenty-five cents was the smallest coin in circulation, when every one carried his little buckskin sack of gold dust ; when the lucky gulch miner after a surprising clean up could go to a saloon with a party of comrades, and after ordering the drinks scatter handfuls of gold about the barroom to show his opulence, passed away with the period of ox teaming and staging. Opportunities for fortunate strikes and sudden enrichment were not so frequent as they had been. The original prospectors who made the strikes had gathered the cream, and left their successors the skimmed milk for their portion. Merchants had to content themselves with smaller profits, the miner to work claims that yielded, under the wasteful methods in vogue, only ordinary wages. Farmers who had been receiving from three to six dollars a bushel for grain, had to sell in lower markets, and found themselves forced to diversify their produce by the additions of the dairy, the poultry yard and the vegetable garden. In like manner lawyers and doctors were subjected to corresponding reductions in their fees, by the general shrinkage.

CHAPTER V.

1872—FOUNDING OF MANUFACTURES IN DENVER—JOHN W. SMITH'S WOOLEN MILL—SINKING AN ARTESIAN WELL—THE DENVER HORSE RAILWAY—THE DENVER WATER COMPANY—CONTRACTS WITH THE CITY—BEET SUGAR—ATTEMPTS TO ESTABLISH ITS MANUFACTURE—WHY THEY FAILED—ORGANIZATION OF FREE MASONS AND ODD-FELLOWS—THEIR STRUGGLES TO SECURE A FOOTHOLD—RESURRECTION OF THE STATE MOVEMENT—J. B. CHAFFEE'S WORK IN CONGRESS—MEASURES PASSED FOR THE BENEFIT OF COLORADO.

There has never been a time since Denver became an incorporated city when there have not been vehement calls for the founding of great manufactories here. The press, the various trade organizations, and the people collectively, have been pushing these appeals out into the Union and over the Atlantic, as if the very life of the city depended upon the possession of a forest of smoking chimneys and clouds of working men. For nearly thirty years this agitation has been steadily maintained, and while Denver is still without great manufactories, some noteworthy advancement has been made in that direction, and it is largely due to persistent advertising of its advantages. No manufactures worth mentioning were established until after 1870. In that year, however, what was regarded as an important acquisition to our infantile industries was brought about by the enterprise of John W. Smith, who in connection with John Winterbottom, founded a woollen mill. It mattered not to them that the wools produced were suited only to the fabrication of the coarsest goods, as blankets, carpets, etc; for such there was a brisk demand, which might and ought to be supplied by our own mills, therefore they put up a building, purchased the necessary machinery, stocked their warehouses with the best grades of raw material to be obtained from our own wool growers, and made a beginning.

In September, 1870, the mill was put in operation. The building stood on the south side of Larimer street in West Denver, near the Mill Ditch. They manufactured blankets, yarns and coarse flannels, and were prepared to turn out cassimeres, satinets, jeans, etc., if required. Sixteen hands were employed, and the concern seemed in a fair way to accomplish the ambition of its proprietors, when the dull times of 1872, followed by the panic of 1873, came on and crushed it. Thus began and ended the first and only attempt to found woolen mills in the Rocky Mountain region.

But in the years succeeding this failure rapid improvement was made in the quantity and quality of our domestic wools. In 1870 the export amounted to about one million pounds; in 1871 it had more than doubled. In 1888 the export was estimated at ten million pounds. The climate, because of its dryness, and the short, nutritious, native grasses, are especially favorable to wool growing. The fine opportunities presented caused many to invest heavily in the business. Thoroughbred stock soon took the place of less valuable Mexican breeds, and to-day few States produce finer wools than Colorado.

As an inducement to manufacturers, and at the same time with a view to effecting a solution of the vexed problem of additional water supply for the city, in the summer of 1870 a company was organized to bore for artesian water. The site selected for the experiment was a point on the heights southeast of the city, perhaps the most unfavorable that could have been chosen. Gen. Palmer, Gov. Hunt, Gen. John Pierce, and others, were the directors of the movement. Fifty or more subscribers paid fifty dollars each into the general fund, the machinery was bought and placed. At a depth of about two hundred and fifty feet water was found, but it rose only to the height of eighty feet in the well. Thereafter the drill passed through soft soapstone and clay shales, when much trouble was experienced from caving. Under great difficulties the well was sunk to a depth of four hundred and fifty feet, when it became necessary to insert tubing, which could only be obtained in the East. Two hundred and fifty feet was ordered and inserted, but

it failed to cure the difficulty. After repeated trials and failures the scheme was abandoned. Ten years later the problem of artesian water supply, which has been of incalculable benefit to the people for domestic uses, and as an important aid to the development of the manufacturing interest, reached its solution through a fortunate accident on the heights of North Denver, as will appear in its proper order.

Following the general course of improvements, all matters of historical interest should be noted, since they are parts of the great mosaic, and may be valuable for reference, if nothing else. Hence we note the fact that the charter of the Denver Horse Railway was granted by the Territorial Legislature in 1865, before Congress filed its objections to private charters, when any project, however wild or visionary, could be incorporated by a special act. When the bill was introduced, and during the regular course of legislation upon it, the proposition became the butt of much broad and boisterous humor. The absurdity of the idea rendered it attractive to the legislative wits, hence many a joke was passed upon it. The little hamlet, for it was scarcely more, seemed about as likely to need a ship canal as a street railway. But the promoters had faith, not only that the town would develop the need, but that the charter then being tossed and kicked about the chambers, would one day be an exceedingly valuable franchise. So they endured the wicked jibes, pushed it through to approval, and bided their time.

In 1871 Col. L. C. Ellsworth came from Chicago with a party of wealthy friends, who purchased the charter and built two miles of road, completing the same December 12th of that year.

The original corporators were Wilson Stinson, D. J. Martin, Lewis N. Tappan, Edward C. Strode, Robert M. Clark, Alfred H. Miles, Moses Hallett, Luther Kountze, Amos Steck, Freeman B. Crocker, C. H. McLaughlin, J. S. Waters and M. M. De Lano. The term of existence of the charter was fixed at thirty-five years. The first President of the company was Amos Steck, with David A. Cheever as Secretary. Moses Hallett succeeded Steck and held the office two years.

The first line was laid from the present terminus in West Denver to Sixteenth Street, thence to Champa and out to Twenty-Seventh Street. The North Denver branch was finished in 1873; the Broadway line in 1874, and in 1876 the Larimer Street road was extended a mile and a quarter to the northward. The Park Avenue line was opened in 1874.

Early in April, 1871, Col. James Archer, with Charles Keep, Secretary of the Holly Manufacturing Company of Lockport, New York, appeared before the City Council and explained the details of the comparatively new system of distributing water in towns and cities for domestic purposes and the extinguishment of fires. They proposed to erect works in this city that would furnish three million gallons of water daily. The Council appointed a committee of three to investigate, to locate hydrants and confer with the Denver Water Company as to the general and specific details of their proposition.

This committee suggested that the number of hydrants required for present use would be about thirty, indicating where they ought to be located. This number the Water Company increased to sixty by the advice of Archer, who argued that they would be needed in the near future. Suffice it to say, that the Water Company gave a contract to Mr. Keep for the machinery, and the city entered into arrangements for the water supply. At the expiration of twenty years it was to have the option to purchase the entire system at its appraised value, or make a new contract. Until that time it was to pay one hundred and fifty dollars per annum for each public hydrant, the same to be used only for the extinguishment of fires. Resident consumers were to be charged the same rates then current in the city of St. Louis. No provision was made for irrigation, and just then this was a matter of great importance, for many lawns had been seeded, shrubbery and trees planted, and a general movement for beautifying the city entered upon. There was no other source of water supply, as the Platte Ditch was not available until 1872. Therefore, a great clamor arose among the people, not alone because of their exclusion from this coveted privilege, but over the terms

of the contract. The cost became a matter of public criticism and general expostulation. Another of the major objections was to the exclusive right granted the Denver Water Company, because it closed out competition. Superficial analysis of the scheme indicated much larger profits to the projectors than were warranted by the service rendered and the capital invested. Many arguments were adduced to show that water for all our requirements might be furnished by sinking artesian wells, and by the multiplication of canals. The Council had proceeded too hastily; it had been hoodwinked or otherwise overcome by the plausible Archer, and so on almost interminably, the whole tenor of the objections illustrating the cautious conservatism of public opinion in matters of public expenditures. While it was constantly hoped and predicted that the village would expand into a great metropolis, the people acted as if they seriously doubted such fruition.

Notwithstanding, Archer lost no time in consummating his plans. The works were planted at the foot of Fifteenth Street near the Platte River. The second week in January, everything being in readiness for the trial of their efficiency, Archer invited to his sumptuously appointed rooms on Larimer Street—then in the Sargent House—the Mayor and City Council, with a liberal sprinkling of capitalists, prominent citizens and representatives of the press, for a little preliminary conviviality. Being one of the most hospitable and generous entertainers living, full of good fellowship, yet always alive to the main point of his business undertakings, wine flowed like the water he proposed to pour out upon the streets, while the finest of Havana cigars were opened to lovers of the fragrant weed. He was a connoisseur in both, never using an ordinary quality of either. He was broadly bountiful in everything except his business contracts, and while in these he adhered rigidly to the interests of the capital he represented for its protection and profit, he was never niggardly nor allowed trifles to stand between him and the ultimate purpose in view. In most respects Col. Archer was a grand figure in our affairs while he lived, and the city owes him much more of credit for the part he took in public improvements than was readily accorded in

his lifetime. His wonderful energy and force conquered all things, while his royal generosity and genial disposition, and above all his open-handed charity, brought gladness to many hearts and homes.

Finally, his guests adjourned to the works to witness the trial and inspect the machinery. On Fifteenth Street between Larimer and Wazee, six hydrants were opened, hose attached to each and the machinery being put in motion, water was thrown to the height of something over one hundred feet, as required by the agreement.

The second contract bears date of February 6, 1872. In this the company agrees to furnish the city of Denver water for fire purposes during the two years next succeeding, on the following terms: The Council was given authority to elect whether the hydrants should be single or double, or a part might be single and the others double; it was to take and pay for at the uniform rate of seventy-five dollars per hydrant, a number equal to one for each block of lots reached by the distributing pipes, for the first fifteen miles laid. The actual cost of putting in the hydrants to be paid by the city, and to be its property after the expiration of the contract.

This agreement was signed by Archer in behalf of the Water Company, and by John Harper, Mayor. The well, or reservoir, was located about two hundred feet from the south bank of the Platte, and originally sunk to a depth of thirteen feet, with a superficial area of seventeen by sixteen feet square. Very soon, however, this source of supply was found to be wholly inadequate to the increased demands of the rapidly growing city, and the reservoir was enlarged. A few years later, as will appear hereafter, an entirely new and colossal plant was erected at a point on the Platte three miles above the city.

At various times during 1871 the subject of manufacturing sugar from beet roots was seriously agitated. At length a public meeting was held and addressed by Mr. H. D. Emery of the Illinois *Prairie Farmer*, who gave a general history of this important industry from its inception in foreign countries, its development there and upon American soil, and

showing that in every instance when properly established and directed, highly satisfactory returns were derived.

The matter was brought before the legislature of 1872 and a bill introduced, which provided in effect that the first corporation, company, person or persons who should within the limits of the Territory erect a manufactory and refinery for the purpose of extracting sugar from beets, at a cost of not less than fifty thousand dollars, having a capacity for producing not less than two thousand pounds of sugar per day, and which should manufacture from beets grown within the limits of Colorado, not less than two hundred barrels of good merchantable sugar, should receive a bounty of ten thousand dollars from the Territorial Treasury.

The Governor, and two Commissioners to be appointed by him, were to investigate such works, pronounce upon the results attained, and if in accordance with the requirements of the law, were to order a warrant for the amount. Unfortunately the bill was defeated by one vote, the opposition having little faith in the enterprise, and being governed by the prevailing demand for economy, destroyed it. Thus to save the paltry sum of ten thousand dollars they unwittingly robbed the State of millions, for had this or some similar well-grounded project looking to the establishment of a sugar manufactory been carried out at that early day, it would have proved of almost immeasurable benefit to the farmers, besides adding materially to the general wealth. There is little room for doubt that under the bounty named in this measure, together with the interest manifested by home capitalists, the preliminary work of planting and culture of the proper kind of seeds would have begun in that year, and in time developed a very prominent industry.

In February, 1872, a meeting was held for the organization of a company, at which Jacob F. L. Schirmer presided, Fred J. Stanton being chosen Secretary. Col. Archer took a deep interest in the proposition and addressed the meeting at length, showing that many analyses of the sugar beets produced in Colorado gave quite extraordinary results.

While in Europe he had made a thorough examination of beet culture and the manufacture of sugar, and was thoroughly convinced that the soil of this Territory possessed qualities superior to that of any other country for the cultivation of such esculent roots. There were immense tracts of light, dry uplands, which were admirably suited to this purpose. The value of the produce was not in the sugar alone; the beets enriched instead of depleting the soil, preparing it for wheat crops, and leaving a large residue of gluten. All that was needed was an organization to present the opportunity in its proper light. He claimed that success would speedily double the value of land wherever the culture of the root was possible. It was developed by the different speakers that Colorado beets contained a larger per cent. of saccharine matter than those of Germany, where the experiment had attained its most advanced development.

As a result of this meeting, articles of incorporation, signed by Fred Z. Salomon, Joseph E. Bates, Hiram P. Bennet, Martin N. Everett, E. F. Hallack, Wellington G. Sprague, George C. Schleier, Phil. Trounstone, James Archer, Charles W. Perry, L. K. Perrin, H. G. Bond, Henry Crow, J. F. L. Schirmer and Peter Magnes, were filed with the County Recorder. Books were opened, and a committee appointed to solicit subscriptions to the stock of the company, secured thirty thousand five hundred and fifty dollars. An assessment of one per cent. was levied to defray the cost of procuring seeds, and to cover incidental expenses. Beyond this, however, nothing of consequence was accomplished. The failure of this enterprise was little short of a public calamity. Ten years later, possibly in less time, the Territory might have supplied not only the home demand, but acquired a large export trade. It would have given the ranchmen a market for a new crop that would have been steadily remunerative. We have only to observe what has been accomplished for California by Claus Spreckels within the past few years to discover the value of beet sugar, and also what might have been done had the initial movement begun in 1871-'72 been pushed to right conclusions. Colorado, instead of California, might now be



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the chief center of production, and the market whence many States of the Union would be drawing their supplies.

From the records of the Grand Lodge of Free and Accepted Masons, but more particularly from an address delivered by Grand Master Henry M. Teller to a meeting of that body, held in October, 1871, we gather some interesting details of the early history of the Masonic Order in Colorado. On the 17th of October, 1860, the Grand Lodge of Kansas granted a charter to the brethren of Golden City to form a lodge. June 5th, 1861, the Grand Lodge of Nebraska granted charters to Rocky Mountain lodge of Gold Hill, in Boulder County, and to Summit lodge of Parkville. In the year last mentioned, the Grand Master of Kansas granted a dispensation to the brethren of Nevada, Gilpin County, and in the fall they were given a charter. Prior to the regular organization of lodges, however, the craft met occasionally at some suitable place, related their experiences and formulated plans for the future.

On the 2d of August, 1861, the representatives of the three chartered lodges met in Golden City to consider the expediency of organizing the Grand Lodge of Colorado. As a result the Grand Lodge was formed. John M. Chivington was elected Grand Master, Samuel M. Robbins, Deputy Grand Master, and O. A. Whittemore, Grand Secretary. After adopting a constitution and by-laws, the Grand Lodge was closed, to meet in Denver December 10th, 1861.

At the communication held on that date all the lodges were represented, when Nevada lodge surrendered the charter it had received from Kansas and took a new one from the Grand Lodge of Colorado. On the 19th of September, 1861, Grand Master Chivington granted a dispensation to the brethren of Central City to open and form a lodge to be known as Chivington lodge, and on the 24th of October granted a dispensation to the brethren in Denver to form a lodge to be known as Denver lodge.

At the communication of December 10th both Chivington and Denver lodges were chartered. Col. Chivington was re-elected Grand

Master, Andrew Mason, Deputy, and O. A. Whittemore, Grand Secretary. At this time the membership of all the subordinate lodges was sixty-two. Ten years later the membership had increased to eleven hundred and twenty-one, and the number of lodges from three to fifteen. The order has continued to advance in like ratio of progression from that time to the present, and through the grand principles inculcated has become one of the strong bulwarks of social order.

It is also interesting to note the primary stages of the growth of Odd-Fellowship. F. J. Stanton, as Past Grand Sire, in an address to the Grand Lodge in 1872, gave a rapid but breezy epitome of its struggles to secure a foothold in the wilderness, from which we condense the following particulars :

Pike's Peak lodge was instituted in 1860, but the incongruous elements composing it soon wrought mischief and effected its dissolution. Its charter was surrendered to the Grand Lodge of Kansas, whence it came, and thus terminated the first attempt at organization. From 1861 to 1864 no lodge existed in Colorado, though the brethren held informal meetings from time to time, so that the fraternal spirit was maintained against the day when it should be needed for a successful movement, that was ultimately brought about by the following incident.

An advertisement was inserted in the Black Hawk "Journal" for a member of the order who held an unexpired withdrawal card from a regularly instituted lodge. This brought a response from Mr. David Ettien, of that place, stating that Herman H. Heiser, a recent addition to the residents of Black Hawk, had such a card. "This," says Stanton, "was the one thing needed, and the last stone in the fabric upon which we reared the present beautiful structure in the Territory, August 13th, 1864. We received a charter, and John H. Jay was authorized by the Grand Sire to institute the new lodge." Dr. Buckingham, Jay and others set to work to build up the fraternity on an enduring basis. Funds were needed for the purchase of regalia, but collecting subscriptions was slow and tedious work, for money was by no means plentiful. However, some progress was made through unremitting effort,

until all but sixty-seven dollars had been secured. Where to get this balance they did not know, for the limit appeared to have been reached, when some one suggested that Col. Chivington, then commanding the military division of Colorado, being an Odd-Fellow, might be disposed to lend some assistance. The committee, acting upon the hint, resolved to beard the autocratic lion in his den. They marched slowly up the stairs leading to headquarters, with a good deal of trepidation, speculating the while as to the kind of reception they were likely to meet with.

On entering the august presence of the gigantic commander, hats in hand, and with humble demeanor, Mr. Jay was put forward as spokesman. It was a desperate chance, but one that must be taken; so with some hesitation and in a tremulous voice he told of their efforts to institute Odd-Fellowship here, the disappointments they had encountered, and, at last, the difficulty in raising funds wherewith to purchase regalia. Chivington quietly asked how much they lacked of completing the fund, and when informed instantly drew a check for the amount, handed it to Mr. Jay, and with earnest wishes for the success of their laudable mission, signified that the interview was ended.

Of course the committee was overjoyed, and thanking the donor profusely, backed out of the door, plunged almost headlong down the stairway, and hastened to the rest of the brethren who were anxiously awaiting the issue.

Thus equipped for present needs, the lodge met. The first abiding place was the old brick addition to the Commonwealth building, on the west side, near the Larimer street bridge. For window curtains gunny sacks that may have rendered service as wrappers for bacon or hams, were used. The lodge room was lighted by candles stuck into the necks of old bottles that may have contained whisky or beer before they were cast aside. Such was the birthplace and such the conditions of primitive Odd-Fellowship in Colorado.

J. H. Vandeventer was the first expounder of the laws of the order. Though beset by numerous trials, the greatest of which was poverty,

the craftsmen held together and wrought assiduously for its development. In 1865 Schuyler Colfax, then visiting friends in Denver, instituted the degree of Rebekah, and by his kindly, cheering words infused new life into the struggling organization.

Early in 1872 the leading Republican politicians resurrected the long quiescent State movement, upon the anticipation that a new bill for an enabling act would be presented to Congress. To overcome the objection to the inadequacy of population, it was proposed to enlarge the boundaries by adding a degree from Wyoming on the north, which would take in the more populous section of that Territory. It was argued that even with this acquisition Colorado would not be equal in area to Texas or California, and it would obviate the necessity of maintaining two Territorial governments. The balance of Wyoming was to be disposed of by partitioning it off to the adjoining Territories. It may be stated that neither of the Territories had been consulted as to their desires in the matter, it being taken for granted that Colorado had the power to do as it pleased, and as the others had very little influence at court, resistance would be futile.

The paramount consideration was to get our State admitted, even though we had to pillage the rights and property of our neighbors to accomplish it. Hitherto the popular judgment had been adverse to the precipitate hastening of this vital issue. The chief element of opposition had been among our own citizens, who resisted from good and sufficient reasons. No amount of sophistry or special pleading could disguise the paucity of numbers. But under the inspiration of the new era, the rapid accession of population, the marked advances being made in all directions, the multiplication of railways, the development of industrial activity, the fact that in the mountains lay treasures for the building of an imposing State; that the hitherto treeless and verdureless plain was being transformed into blossoming farms and gardens, a new impulse was given to the hope that the same rate of growth would soon prepare us for the responsibilities and the burdens of State government, and so inclined the people to take a more fervent interest in the proposition. There

was no apprehension of a veto should the bill be passed. Chaffee's influence had been increased. The mining interest was in better condition than ever before, through the introduction of smelting works; immigrants were coming by thousands. Many of the anti-State leaders had been converted. Still, after some months of agitating and scheming there came a pause. Mr. Chaffee did not press his bill, owing probably to his being advised of its futility. Congress was not favorable to the admission of new States with less population than was required for a member of Congress under the new apportionment.

In January, 1872, Mr. Chaffee, since he could not bring in the State, resolved to strengthen his position as delegate. He caused to be introduced in the House of Representatives a resolution authorizing the Speaker to increase the number of the Committee on Territories by the appointment of one Territorial Delegate thereto, who should have the same rights and privileges in the committee as any other member. It was referred to the Committee on Rules, which, through its Chairman, Mr. Samuel J. Randall of Pennsylvania, soon after reported it back modified to read that the said delegate in the committee should have the same privileges as in the House.

After a spirited debate, Mr. Chaffee's resolution was adopted under a call for the previous question, when the Speaker at once announced the appointment of Mr. J. B. Chaffee as a member of the Committee on Territories.

His next movement in behalf of admission, contemplated the entire abolition of all the Territorial governments by the admission of such as were prepared for the change, and by the merging of the others into the States adjoining them, thus: The union of Dakota with Nebraska; the consolidation of Idaho and Montana; Washington with Oregon; Utah with Nevada; New Mexico and Arizona, and Wyoming with Colorado. For reasons readily understood, it had to be abandoned.

In May, 1872, he introduced a bill from the committee to which he had been appointed,—and by the way, Mr. Chaffee was the first delegate from a Territory who was allowed that privilege,—to amend the incor-

poration acts of the Territories so as to give them the right to create railway corporations. This right had been seriously questioned, some of the members insisting that the amendment which prohibited the Territorial legislatures from granting special charters, deprived them of all right to create such corporations. This bill was in reality an amendment to the Organic Act of Montana, authorizing the legislative assemblies of the Territories of the United States by general incorporation acts, to permit persons to associate together as bodies corporate for the construction and operation of railways, wagon roads, ditches, etc., etc. This act passed, and was approved June 10th, 1872.

Not fully content with this, he introduced another bill which provided for a general Territorial railway law under the title of "a bill to provide for the creation and regulation of railroad companies in the Territories of the United States."

This measure was drawn with infinite care, embraced twenty sections, and covered all the details. The method of organizing was much the same as that in existing laws on the subject, but provided that the original certificate of incorporation should be filed with the Secretary of the Interior; that shares of stock should be one hundred dollars each, and that five dollars per share should be paid down at the time of subscription to the same. One section granted the right of way over the public lands two hundred feet in width, together with sufficient land for depots and other purposes, not to exceed forty acres for each ten miles of road.

The general restrictions and provisions of the act incorporating the Union Pacific were made applicable to the Territorial railways, and they were required to make reports annually to the Secretary of the Interior. Work was to be commenced within one year after filing the papers; at least ten miles of road-bed graded, and the entire road completed within ten years. Another section prohibited the issue of Territorial, county or city bonds to any corporation, or the loaning of its credit in any manner to such corporation. This bill was not passed, and received but slight consideration.

Mr. Chaffee returned from Washington in July, 1872, and received a cordial welcome from his admiring constituents, who appreciated the value of the service rendered them by his activity and ability. They were rather proud of the important standing he had given to Colorado, in common with all the Territories under the new rule of the House. It was an unprecedented concession, granted no doubt in compliment to Mr. Chaffee, rather than to the Territories, as he numbered among his friends the members who controlled legislation.

The passage of the new mining law was a matter of supreme interest to our people. This lay at the foundation of all progress. Though not elastic enough to cover the complex changes brought about by the discovery of mines in geological formations of which nothing was known at that time, it has endured to the present date with but slight amendment. Among the other useful measures secured was one that provided for a reduction by treaty of the enormous reservation ceded to the Ute Indians in the southwestern part of the Territory; another opened the Fort Collins military reservation to pre-emption and settlement and prepared the way for the location of the fine colony afterward settled there. He secured right of way over the public domain for the Denver & Rio Grande railway; the cession of the old cemetery tract to the city of Denver; the adjustment of the long standing controversy between the government and the settlers as to the titles to town sites located upon mineral lands in the mountains, and many other concessions which effected salutary changes. He also secured the appointment of citizens of the Territories to the Federal offices therein, which materially lessened the objection to the Territorial form of government.

He was re-elected in September, 1872, by a majority of thirteen hundred and thirty-six over his opponent, Ex-Governor A. C. Hunt.

CHAPTER VI.

1872—HISTORY OF THE GREAT DIAMOND SWINDLE—UNIVERSAL EXCITEMENT—HOW THE PLOT WAS ENGINEERED—THRILLING REPORTS OF WONDERFUL DISCOVERIES—GEMS WORTH MILLIONS—DISCOVERY OF A MYSTERIOUS CITY—DIAMOND STOCKS IN SAN FRANCISCO—GOVERNOR GILPIN'S LECTURE ON THE SUBJECT—JEWELS BY THE CART LOAD—CLARENCE KING EXPOSES THE FRAUD—FOREIGN BRILLIANTS PLANTED IN SUMMIT COUNTY, COLORADO—WHERE AND HOW THEY WERE OBTAINED—INTENSE INDIGNATION—PHIL ARNOLD PROPOSES TO OPEN COURT WITH A HENRY RIFLE—GAMBLERS AND GAMBLING.

Beginning in the month of May and running sporadically through the summer of 1872, mysteriously whispered reports of a nature well calculated to allure the unwary and to create widespread excitement, were circulated throughout the West hinting at the discovery at some point on the frontier, precisely where, was not revealed until after the first rumors had taken effect, of large deposits of diamonds, rubies, emeralds, sapphires and other valuable gems. When such tales are set afloat upon the whispering winds, they instantly become open secrets which, however apocryphal, thousands accept blindly and follow wherever they may lead. All reports of great discoveries, whether true or fictitious, invariably have this element of attractiveness; the point is always in a wild region remote from existing settlements, and are generally announced by the same process as was employed in this instance.

Various localities were named without disclosing the true one. At length it began to leak out that the jewels were to be found in North-eastern Arizona. Indeed, all the signs pointed in that direction. As already indicated, the original rumors were vague and shadowy, therefore extremely fascinating to the average intelligence. Large quantities

of diamonds and rubies were said to have been gathered in 1869, by Maj. J. Cory French, agent for the Navajo Indians; that they were scattered over the surface of the ground at points near the pueblos of the Moquis, about three hundred miles from Santa Fé, and that the fields were very extensive, covering an area of about forty miles square.

When the public mind had been thoroughly inoculated, each individual to whom the astounding secret had been imparted being sworn to secrecy, a man named Phil. Arnold, whom nobody knew, appeared in Laramie City, and while there caused himself to be "interviewed" by the editor of the Laramie "Sentinel," in which statements were published that electrified the country. As this constitutes the actual beginning of one of the most interesting phases of Western history, and was literally filled with startling surprises and phenomenal adventures, it is proper to follow its ramifications through its brief but dazzling career.

In the published account, Arnold announced himself to be the discoverer of wealth in precious stones which surpassed the wildest extravagances of the Arabian tale of Aladdin and the wonderful lamp. He declared that the diamond fields extended over a wide range of country in New Mexico and along the northern border of Arizona. Some three years previous he had been shown two large, rough diamonds by a Pimas Indian in Arizona, and by him had been guided to the spot where they were found. Captain Slack, an old California miner, accompanied him. They worked the mines for two years, keeping the secret inviolate. Finally, two other Californians were informed of the find, and united with them in the scheme. They had extracted from their claim no less than two and a half million dollars worth of precious stones, about half of which had been deposited in the vaults of the Bank of California. This fabulous result was the work of but thirty days in the mines, that were as rich as the world renowned deposits of Golconda, which, according to Arnold, produced one hundred and thirty million dollars worth of sparkling stones in six months' time. He forgot to mention that Golconda was not a mine but a fortress,

where the diamonds produced in the Madras presidency were deposited for safe keeping. He said the largest diamond taken out of the Arizona mines weighed one hundred and eight carats, for which, though uncut and unpolished, he had been offered ninety-six thousand dollars.

To establish his standing, and to verify his statements, this ingenious fabricator proceeded to inform the editor of the "Sentinel," who we may safely conclude was deeply absorbed in every detail of the astounding revelation,—that he stood at the head of a company composed of some of the wealthiest men in New York and San Francisco; the Rothschilds, Gen. McClellan, S. L. M. Barlow and other distinguished people had embarked their names and fortunes in the enterprise, having first satisfied themselves of its genuineness. Stock to the amount of two and a half millions had been issued and put upon the market, where it rapidly sold at forty dollars per share. Three thousand acres of land containing the gems had been surveyed and claimed as the property of this aristocratic corporation. Thousands were going to the fields, and they would soon be overrun by diamond hunters. To protect the interests of his company, he had sent to the coast for a guard of one hundred well-armed men who would pass through Denver, outfit in Pueblo, and proceed thence to the mines by the most practicable route. He indicated rather than stated, that the wonderful fields were on Flax Creek in the San Luis Valley. He gave a glowing description of great tracts of land literally glistening with diamonds in such marvelous abundance they could be shoveled up. Doubtless other discoveries would be made, possibly even richer than those claimed by him, for there was an immense range of country which showed like indications.

The appearance of this thrilling narrative in print, was the signal for its reproduction in thousands of newspapers all over the Union, where it awakened the liveliest activity among all classes, but more especially the drift which is ever ready to take up and pursue any prospect that looks to the sudden acquisition of wealth. Multitudes plunged headlong into the enterprise. Countless columns of marching men and canvas-covered wagons poured out upon the plains through Kansas,

Colorado, Utah and New Mexico, into Arizona. The leading journals of the country blazed with accounts of marvelous discoveries; diamond stocks were eagerly grabbed up as soon as issued; expeditions were organizing on every hand. There was something so bewildering, so entrancing about the reports and prospects, the contagion spread to all classes. There was a wild rush of humanity, each endeavoring to outstrip his neighbor in the race to get there first and capture the cream of the harvest when diamonds could be gathered by the wagon load. This prevailing frenzy seemed destined to exceed all precedent, even that of the actual discovery of the richest gold mines ever known.

As a sort of supplement to the rumors instigated by Arnold and Slack, a man named Moorehouse, gifted with extraordinary powers of imagination, launched upon the breezes some amazing discoveries of his own, which he declared had been made in an isolated region far remote from any traveled highway, when he visited "a strange city, rivaling in splendor the wildest visions of the Oriental dreamer, drunken with the fumes of opium, or steeped in the languors of the lotus." One day, so the story ran, while himself and two companions were ascending a mountain in pursuit of game, they emerged from a thicket of chapparal into a great city of ant hills or tumuli, covering many acres. The spectacle was amazing beyond human conception. The whole insect city was "corruscated with a blaze of precious stones throwing back the sunbeams from ten thousand facets, over which myriads of inhabitants were hurrying in their forays into the chapparal in search of food." They gathered a bushel or so of rubies, sapphires and other gems which were subsequently given away to friends who held them as curiosities. Since they cost nothing, the donors could afford to be generous.

But this report, extravagant as it was, soon found a counterpart in the recital of one of Dr. H. P. Swein of Santa Cruz, California, who passed through Denver, en route to St. Louis, about the first of September, 1872. It was said that while in the latter city he exhibited a large diamond, estimated to be worth more than three million dollars. According to his veracious (?) account, it had been found by his son

some years previous at the mouth of a gulch near Santa Cruz. At first it was regarded as only a brilliant quartz crystal without special value, but its true character had been demonstrated since the breaking out of the Arizona diamond craze.

About this time two Californians published a card in some of the Coast newspapers, sharply analyzing Arnold's interview in the Laramie "Sentinel," and positively asserting that he,—Arnold,—had never set foot in Arizona, that he was a liar and a swindler, etc., etc. But it produced no effect. The dazzling story had taken too deep a hold on the popular mind. It was too rich to be easily relinquished,—another illustration of the fact that people love to be deluded, if the delusion be sufficiently attractive to hold their attention, and at the same time strongly appeal to their cupidity. Therefore, Arnold's admirers, who loved him for the tales he told, stood manfully by him, and in confirmation of his veracity, declared that Gen. George B. McClellan had been in close conference with their idol at Laramie City, and would publish his confidence in the diamond fields. It is needless to add that Gen. McClellan, though identified to some extent with the New York and San Francisco Company, was not heard through the press on the subject.

As time sped on the agitation, to speak mildly, though it conveys but a faint impression of the actual state of feeling, increased with the continuous repetition of highly flavored statements. The Santa Fé papers pronounced it the greatest excitement ever known in that quarter of the globe. The editor of the "New Mexican," in commenting upon the discoveries, professed to have known for years that rubies, sapphires, garnets, opals, etc., were common in the valleys west of Santa Fé, but he had never so much as dreamed that the sparkling white stones so abundant there were anything more than crystallized quartz or silica. There was some reason for the credulity of the Santa Fé people, from the fact that gems of various kinds, some of them very beautiful, have always existed in the neighboring mountains, whence for centuries fine specimens have been taken by the Mexicans and

Pueblo Indians, brought into the town, cut, polished and set in attractive gold jewelry.

In the regular course of events many persons turned up here and there who were perfectly familiar with the fact that in the comparatively unknown regions whence sprang the reported deposits of jewels there were places where precious brilliants might be secured in unlimited quantities. It was related that the venerable trapper, Jim Bridger, had informed various parties several years before that diamonds and sapphires could be picked up on the gravel plains of Southern Colorado and Northeastern Arizona. It is more than probable, however, that Jim Bridger was about as familiar with the problems of Euclid as with uncut diamonds and sapphires. But that made no difference; the story gained immediate confirmation by the association of his name with it.

Again, it was related that somebody had somewhere seen in the hands of an Apache Indian "a diamond an inch long and half as thick as a man's thumb." J. H. Beadle, the somewhat celebrated correspondent of the Cincinnati "Commercial," a brilliant writer who had spent many years on the frontier, more especially in Utah, where he produced the most complete and interesting expose of the Mormon hierarchy ever written, sent to his paper the statement, which was wholly true, that in some portions of New Mexico and Arizona the lands abounded in beautiful curiosities, petrifications, fossils, rubies—otherwise finely colored garnets, agates and similar stones. The same have also been found in many parts of Colorado.

In the latter part of August, 1872, when the frenzy was still running high, but had not yet reached its climax, Mr. Wm. N. Byers wrote: "As regards the tales set going, which have created a widespread and popular excitement, we have good reason to believe that the scheme was planned and projected in Denver a few months ago. We have learned from an authority of unquestioned veracity that Gen. Rosecrans, the veteran soldier, who it will be remembered stopped at Charpiot's Hotel last winter, knew all the secrets of this discovery, and

was really here on a mission relating thereto. At that time only a few persons in the United States had been intrusted with the secret, and among them was an ex-Governor of Colorado and his next friend, a well-known Denver physician, from whose lips the secret never issued until since the publication of the facts in all the newspapers. During last May, probably about the 20th, Messrs. Lent and Roberts, the principals in the San Francisco scheme, were in secret consultation with New York parties at the Sargent House in Denver, and subsequently journeyed south as far as the boundary line between Colorado and New Mexico. It was about this time, or a little later, that the uncut diamonds which have lately been exhibited in San Francisco were brought through Denver from the South.

"The expedition that is fitting out in San Francisco, and which it is proposed to dispatch via Denver to explore this new Golconda thoroughly, will be likely to provoke hostilities with the Apaches, who swarm like bees in the country where the diamond drifts are supposed to exist."

The epidemic extended to all classes. It was so strong and sweeping few escaped its ravages. Even the Attorney General of the United States, a Cabinet Minister, several Senators and Representatives in Congress, an ex-Governor of Colorado, to say nothing of the hundreds of others in high standing, were drawn into the whirlpool. Neither argument nor incredulity, however emphatically expressed, availed to check the tide. It rose in great billows, forcing its way onward with irresistible impetuosity. It seems inexplicable that it should have prevailed from May to December without exposure by some of the expert lapidaries of the country. While many tests were made, the certificates from these sources almost invariably attested the genuineness of the stones submitted for testing, which naturally augmented the excitement and dissipated unbelief.

The furore was as strong in Colorado as elsewhere. Several parties were organized to explore and prospect this wonderland so near our own borders. The confidence inspired here was due in large degree

to the report of a reputable citizen, who announced that he had spent some time in Arizona in 1854, and knew whereof he spoke. In that year he visited Fort Defiance, a military station situate about one hundred and seventy-five miles west of Albuquerque, and even at that early day the soldiers had knowledge of precious stones in that vicinity. They made a practice of stealing away from the post at every opportunity and gathering them. They were traded off to the sutler for whisky and other luxuries not in the regular army bills of fare. He had seen many pounds of these stones at Fort Defiance, but they were chiefly rubies and emeralds.

At length, the second week in September, the great California expedition arrived in Denver. There were twenty robust, well-armed fellows, headed by Mike Gray, formerly sheriff of Yuba County in that State. They passed on to Pueblo, where their equipment for the long journey was completed. Simultaneously with their appearance upon the scene, there came to Denver an astonishing display of diamonds. While such appearances and exhibits had for some time been frequent, at this particular juncture they were conducted less secretly; indeed, the possessors opened and spread out their collections with a good deal of ostentation, evincing a desire to attract the greatest possible attention. Arnold himself had been here for some time, deepening the mystery by affording occasional sly peeps at the handful of brilliants carried about in his pockets. Some of these being tested by C. C. Houck and A. B. Ingols, experts in jewels, were pronounced genuine, though none of them were very large or valuable. Nevertheless, their verdict only served to increase the furore. It gave confirmatory color to all the statements made, established Arnold's reputation, and caused him to be a marked and envied figure upon our streets. He did not say these diamonds had been picked up in Arizona, nor did he deny it. He simply permitted the witnesses to form their own conclusions from the hints they had received. But he did assert that in the country mentioned, a man could find quarts of diamonds.

Then came another veracious pilgrim from the Southwest who anni-

hilated all doubts and set everybody crazy. A man named Crossland, a resident of Chicago, who claimed to have just returned from the diamond fields, exhibited a precious stone alleged to have been found in Arizona. It was examined by our lapidaries and pronounced a genuine diamond, worth, in the rough, about five thousand dollars. The reader may imagine the effect of this announcement, for it cannot be described. The people, already wrought up to the highest pitch of feeling, were inclined to emigrate en masse, when the judgment of the experts here was confirmed some days later by a certificate from well-known jewel cutters of Chicago to the same effect, and who estimated its value at about eight thousand dollars.

In the same connection arose a new element of scarcely less exciting a nature, owing much, however, to the manner and source of its disclosure. While outfitting in Pueblo, Mike Gray gave out the statement that he had not come from California in search of diamonds, but to take possession of one of the most astounding gold mines ever seen by mortal eyes. He was following the lead of a Frenchman who affirmed in the most solemn manner that he had visited a valley where gold in nugget form could be gathered by the bushel. Three years previous, in company with a party of Mexicans, this Frenchman had penetrated the region where the treasure lay, when all but himself and two others were slain by Apache Indians. A white woman who had been held in captivity for years by the Utes, knew exactly where the gold was to be found, and used to gather it herself. But the Indians, apprehensive that she might disclose the valuable secret, murdered her, and thus destroyed the last dangerous possessor of it outside their own tribe. Notwithstanding, this interesting Frenchman pledged his life to Gray and his comrades, to be sacrificed in any manner they might elect if he failed to guide them to this marvelous gold mine. What became of him has not been related, but certain it is that Gray never found the mine.

Soon the locality of the wondrous diamond fields began to change. It was given out that the modern Golconda was not in Arizona, neither was it in New Mexico, but in the southwestern part of Colorado. There

was a mysterious coming and going of armed men who gave no sign, but their sealed lips and speaking eyes indicated that they were on the trail and had possession of facts which could not be wrenched from them. They were after diamonds and knew where to find them. Diamond stocks to the amount of two and a half millions had been issued and sold by the New York and San Francisco Diamond Company on the strength of the published reports. But the only matter of surprise was that the supply was so limited. Anything in the shape of stocks, well advertised and put forth by the leaders on the Stock Board, found eager purchasers. It was a period of extravagant speculation. Every one who could, indulged in it. Immense fortunes were made by the operators, while the common herd lost and went into liquidation when the crash came. Among the rumors that intensified the stock jobbing was one that a large lot of Arizona diamonds had been purchased in London; another that the New York and San Francisco Company were working a large force of Central American negroes and Mexican peons and taking out millions. Attorney General Williams was deluded into writing an elaborate opinion respecting the rights of diamond miners on the public lands. In November, 1872, Ex-Governor Gilpin, always an enthusiast on Colorado, which he believed to be the seat and center of the wealth of the world, and who never missed an opportunity to proclaim his faith, delivered a lecture to a large audience in the Denver theater, tracing on a series of maps prepared for the occasion, the geological formations of the continent from Alaska down by Frazier River through Colorado to the City of Mexico, and indicating to his auditors the lines where lay the greatest deposits of precious metals and stones that existed anywhere on the face of the globe. "Not," said he, "on the Cordilleras, nor out upon the plains, but upon the great plateau situate about equi-distant between them, is where the richest treasures lie, where the incandescence of the country has moulded the carbon into the sparkling gem in the Sierra La Plata of the San Juan country in the Territory of Colorado." Having made his first discovery of mineral in the Rocky Mountains of the San Juan, while plunging about in deep

snows after Navajo Indians, he was naturally partial to that section. Anyhow, on this occasion he gave the world to understand that if diamonds and rubies really existed on this continent, they must inevitably exist in greater quantities, be of larger dimensions, and shine more lustreously in the San Juan country than elsewhere. He traced the country, rich in bright metals and glittering gems, from the San Juan to Mexico and South America, but the former region was bound to develop more diamonds than any other locality in Christendom. He declared the southern portion of our Territory to be prolific in the precious metals and the "largest and purest diamonds."

Soon after there arrived in Denver, Captain John Moss, another California miner, who evinced great enthusiasm while dwelling upon the diamond fields from which he had recently emerged. He said, as if to confirm the statements already made, that an ordinarily industrious man, not necessarily "a rustler" who tore up the ground as he rushed over the face of nature, but reasonably attentive to the business in hand, might pick up five hundred to five thousand dollars worth daily. He mentioned two men who realized thirty thousand dollars from two days' washing. He had been with a man named Stanton when the latter picked up a large ruby and was present with him in Santa Fé when an expert sent out by Tiffany of New York, pronounced the ruby worth two hundred and fifty thousand dollars.

Human credulity seems to have no limit in periods of excitement when instigated and kept aflame by forces such as were employed in this affair. The fancy riots in visions of suddenly acquired wealth, with no desire to be undeceived. Following is an incident that, when published, bore external evidence at least, of sincerity, but its absurdity is so manifest we can scarcely credit the writer with any deeper motive than a desire to throw all the stupendous narratives of the time completely into the shade. Under date of December 3d, 1872, this writer, who dates his letter at Fort Angelo, Colorado, said, "Our little community was thrown into a state of intense excitement by the arrival of Dr. Wallens and party direct from the newly discovered diamond fields

in the San Juan country. They brought two gunny sacks full of rubies and sapphires, with a considerable mixture of inferior emeralds, amethysts and opals, and a camp kettle full of large diamonds, of the first water. Singular to relate, they thought nothing of the diamonds compared with the inferior colored stones, thinking they must be only large quartz crystals, but under the infallible tests applied to the gems by Professor Brown,—late of Harvard, and now out on a meteorological visit to this post, it was proven beyond the possibility of cavil that they were genuine and remarkably large diamonds. One immense gem, weighing upward of seven hundred carats, as estimated by Professor Brown, and having no serious flaws, was entirely destroyed by the Professor yesterday afternoon. Wishing to make a spectrum analysis, he placed it between the highly charged poles of a Bunsen battery. The effect was startling, 'a vapor arose,' the diamond vanished amid the most dazzling flashes of light, and a piece of pure carbon as large as a biscuit remained in its place. That it *was* a diamond was undoubtedly proven, but at what a terrible cost! The value of a nation! untold millions had disappeared from our gaze while we drew our breath; disappeared forever, and a piece of worthless charcoal occupied its place."

According to this veracious (?) correspondent, Dr. Wallens, like all contemporaries, possessed a theory concerning the origin of these gems. Indeed, the very atmosphere of the Southwest was, so to speak, redolent of theories, mixed with the odors of bad whisky and tintured with Mexican onions. The man without a theory was without standing. It seems a little remarkable, however, that not one of the many professors and experts ever gave public utterance to a theory of the first importance, that had even half the reports of the quantity and size of the precious stones said to have been gathered and collectable, been true, the market value of diamonds, sapphires and rubies, ceasing to be precious, owing to their abundance, would have dropped to the level of garnets and agates. If they were to be had by the bushel and cart load, and if an area of forty to one hundred square miles was literally strewn

and impregnated with them to unknown depths, it would have been sheer waste of time and material to cut and polish them.

Wallens' theory took this rather original line of expression, that the vast mesa or tableland lying between the Rocky Mountains and the great Cañon of the Colorado River in remote ages had been strewn with precious stones, and that in succeeding ages the larger and more weighty sunk by specific gravity, while the lighter ones remained at the surface, so that to find the whoppers—the Kohinoors and the Orloffs, excavation would be necessary. Again, such gems would be found in the ant hill region, a barren, volcanic district, and he claimed further that where the larger ants swarmed, there would be found the largest diamonds at or near the surface, on the hypothesis, perhaps, that only ants of robust proportions could manage to lug them out of the depths, and having a taste for the beautiful, decorated their abodes with them.

Here ends the glittering tale. It was wholly impossible that a consummate, deliberately planned swindle of this magnitude could be long sustained, and it is a matter of wonder that it endured so long, escaping detection, and involving so many fair reputations in its coils. We can easily imagine how the public was duped into giving some of the earlier reports its fullest confidence, because the men who circulated them had prepared their scheme with extraordinary shrewdness, and pushed it with surprising ingenuity, as will appear in the sequel, but that no crucial tests were applied to the bagsful of spinels, crystals, garnets, etc., conveyed to Denver, San Francisco, St. Louis, Chicago and New York, and the fraud at once exposed, passes understanding. But even here the adroit managers appear to have been singularly skillful in preventing analysis, except of genuine diamonds and rubies, with which they were well supplied.

One exposure followed another until the crash was complete, yet the frenzy prevailed with constantly increasing intensity from May until about the first of December, 1872. Clarence King, the eminent geologist, took occasion to make a cursory examination, which resulted in the publication of his views in the San Francisco papers. The diamond

syndicate, which had already put forth a large amount of stock, was preparing to issue twelve millions additional to be sold in that city and New York, when King's thunderbolt fell. No less than three of the principal banks in San Francisco were large operators in the stock. The social and moneyed influence behind the transaction was immense. It was said that Arnold and Slack were paid something over half a million dollars, which enabled them to carry their part of the scheme with a high hand. These precious rascals who, prior to the events narrated, had resided in Yuba County, California, where they were engaged in hydraulic mining, having carefully matured their swindle, went in the first instance to some of the great mining brokers of San Francisco, among them Roberts, Harpending and Lent, to whom they represented that they had discovered and located claims upon a diamond field of fabulous richness, named their price for an interest, fixed certain conditions, and at the same time exhibited specimens of what the land contained. It was taken under advisement. An agent of the syndicate was sent out to make an examination. As it was conducted by Arnold and Slack, who had taken care to pave the way in advance, the report was favorable. This settled the matter. A company was formed and stock issued. The crafty projectors being well supplied with funds, started out to create an excitement. Their experience in the mining regions taught them the efficacy of enjoining silence upon all to whom the momentous secret was whispered; of cunningly devised movements, vital hints dropped here and there in out of the way places, behind doors and in locked rooms. Having the real gems in their possession, they were exhibited to the chosen few in whom confidence could be placed. They traveled about from place to place, setting afloat vague reports that found their way into the press. Next, when the ground had been well seeded, appeared the Arnold interview in the Laramie "Sentinel," which sent the tidings broadcast.

The capital stock of the company was placed at ten millions, par value one hundred dollars per share. As already intimated, large quantities of this stock were sold at forty dollars per share. Gen. Geo. B. McClellan

and S. L. M. Barlow of New York, with many distinguished financiers of the Atlantic and Pacific cities, were among the corporators and promoters. But one of the most prominent influences exerted, and which probably more than any other served to float and sustain the stock and deceive the public, was the early capture of Professor Henry Janin, an expert renowned for his scientific attainments. Arnold informed Janin that he had made two excursions to the diamond fields, securing in the first a bag of precious stones valued at a million dollars, which had been sealed and deposited in the Bank of California, and in the second a sack of brilliants valued at two hundred and fifty thousand dollars, the latter being then on deposit with the banking house of Duncan & Co. in New York. On the strength of this statement Janin was taken to the residence of Tiffany, the famous jeweler, who told him, as he afterward stated in the presence of Gen. McClellan, Barlow and others, that the gems in Duncan's bank were worth at least one hundred and fifty thousand dollars. This avowal disarmed Janin's mind of any suspicion it might have entertained, though it does not appear that he inspected any of the alleged gems. It followed that he was easily persuaded to make an examination of the fields, in company with Arnold and Slack. These worthies, while appearing to afford Janin every opportunity for a full and free investigation, adroitly led him from place to place where certain predetermined results were of course found. Having collected a quantity of diamonds, rubies and sapphires, they whirled the Professor out of the region to San Francisco, where his report was published, justifying the claims put forth, and concluding with the statement that he considered any investment in the stock at forty dollars per share, or at the rate of four millions for the entire property, a safe and attractive one. He was paid a generous sum for his services and accorded the privilege of buying some of the stock at ten dollars per share, which he took and subsequently sold at forty dollars each, realizing something over thirty thousand dollars' profit, but at the sacrifice of his reputation.

Other parties went to the fields, among them George D. Roberts, who brought back undeniable evidence of their richness. But Henry

Janin's report was sufficient to send the stock up to still higher flights than it had previously attained, had there been no other testimony. The stones placed by Arnold in the Bank of California were exposed to public view, which only added fresh fuel to the flame. They were of all shapes and sizes, from bird seed to beans, and of various colors. For reasons of their own the precise locality was undisclosed. Startling rumors came at intervals to increase the infection. Prospecting parties were sent first to one point, then to another, from whence remarkable statements were received and published.

But let us proceed with Clarence King's expose. He stated that his attention was first called to the alleged discoveries by the publication of Janin's report. He had at that time three parties operating in Wyoming and Colorado, from two of whom he received information concerning the movements of the Arnold and Janin party. He knew they had not gone to Arizona, and from Janin's report of the appearance of the country, he readily located it. He went there because, whether good or bad, it would be a blot on any geological survey not to have known of its existence, and he had to do it in self defense. He reached the spot November 2d, 1872. He then gave an account of his prospecting of the ground and his failure to find anything except along the trail of Arnold and Janin. After a thorough examination, he went to the Union Pacific Railroad and proceeded to San Francisco, where he sought out Janin and exposed the matter to him and the Diamond Company.

Then the great leaders began to unload their stocks and to seek shelter from the storm which they knew could not be long delayed. King convinced Janin of the duplicity of which he had been the victim. In public the company refused to credit King's expose, and though secretly convinced of its accuracy, to gain time to prepare for the inevitable catastrophe, they went through the form of sending out another expedition, which was accompanied by King and Janin.

But instead of proceeding to Arizona, they were taken to Black Butte Station on the Union Pacific Railroad, whence they were guided to a point in Summit County, Colorado, eight miles from the Wyoming

boundary, and on one of the prominent geodetic lines of King's Geological Survey. The alleged mines were situated at the northern base of a pine-clad ridge that runs east and west, north of Brown's Hole, once a noted rendezvous for the trappers and hunters of the American Fur Company. Here it was discovered by careful search that the widely heralded gems had been planted, in other words, the ground "salted" with them. On parts of the high, smooth mesa, where the winds of ages had swept them bare of verdure, Arnold and Slack had strewn the barren places with foreign brilliants and inserted them in the ant hills, and having set their bait went out into the world to spread the tidings of their "wonderful discovery."

Information of when and how they obtained the rough gems was some time later brought out in the courts of London. About the first of September, 1872, a letter was received in New York from London, stating that about twelve months previous two Americans came to the office of the writers who were brokers in precious stones, and asked to see some diamonds and rubies. They were wholly unacquainted with the gems they were seeking, but as they produced a letter of credit in their favor to a large amount on a well-known London banking house, the negotiations proceeded. After looking at the first lot of rough diamonds for which eight hundred pounds was asked, they desired to be shown some larger ones, and some rubies, from which they selected without reference to weight or quality, rough diamonds and rubies to the value of fourteen hundred and ninety-five pounds, for which they paid and departed. A few days later another selection was made, the total purchases amounting to nearly three thousand pounds. The weight of the largest diamonds was from seven to eight carats, which corresponded to the weight of the largest genuine stones displayed by Arnold. These men informed the broker that they had been contractors on the Union Pacific Railway. In the spring of 1872, the same house sold to an American gentleman, recommended to it by the parties mentioned above, about eleven hundred carats of rough diamonds, mostly of an inferior description.

In December, 1874, a man named Rubery, who was associated with Harpending, Arnold and Slack, in the arrangement of the scheme, began an action for libel against the London "Times" for imputing to him complicity in the diamond frauds so called. A diamond merchant named Leopold Keller, at 58 Hatton Garden, London, testified that on the 7th of July, 1871, a clerk sold to a person named Buchanan rough diamonds to the value of £125, 12s. 6d. On the 12th of July a person answering to the name of Buchanan, purchased rough diamonds and rubies to the value of £2,808, 18s. 6d. Later in July Buchanan and a man called Arundell, called at the store at various times and made large purchases of diamonds and rubies. The witness was shown photographs of Slack and Arnold and he at once recognized them as Buchanan and Arundell.

Samuel Barlow of New York, testified in the same suit that Harpending, Lent and Gen. Dodge, introduced themselves to him in October, 1871, and stated that they were possessed of a secret of great importance, which they afterward explained to be a newly discovered diamond field in Summit County, Colorado. They then showed him a traveling bag full of diamonds, rubies and other precious stones. He, acting for Lent & Harpending, paid Arnold \$100,000, which he demanded in advance. Arnold told Dodge that the diamonds were found in the Indian country; that their arms were taken from them by Capt. Jack's band of Utes, but that he (Arnold) spoke the Ute language, and he made a treaty with Colorow and Jack, which would enable them to return to and work the diamond fields. A vast amount of other testimony was taken, but the foregoing is sufficient to establish the basis of the fraud.

When the explosion came, Arnold and Slack disappeared. They did not leave the country, but prudently went into seclusion for a time. Janin, the learned geologist, who until this blow fell upon him gave promise of a brilliant career in his chosen profession, was utterly prostrated, while avalanches of denunciation swept over McClellan, Roberts, Lent, Harpending, and the chief operators in the great company. But

it was said that Lent had lost over four hundred thousand by the expose; that Ralston, who afterward committed suicide, though not impelled to the act by this cause, had lost two hundred and fifty thousand and others from twenty to fifty thousand each. The two "original discoverers" having nothing, not even reputations, to lose, and having received large sums from the company, presumably enjoyed their gains in retirement while waiting for the storm to "blow over."

But the enterprising head of the firm, whose fertile brain had conceived and whose dexterous hands executed one of the most daring swindles of the country, was not the kind of a man to let concealment, like a worm in the bud, prey upon his colossal cheek. About the middle of December he was heard from through a card addressed to one of the San Francisco papers,—date and place of writing omitted,—to this effect:

TO THE DIAMOND COMPANY:—I see by the papers that Arnold and Slack are to be prosecuted, and that eminent counsel has been employed. I have employed counsel myself,—a good Henry rifle,—and I am likely to open my case any day on California Street. There are several scalps I would like to string on a pole. I don't include Janin, your expert. He is of no consequence; send him to China, where he will find his equals in the expert business. As you all are going into the newspapers, I'll take a fling at it myself one of these days. I'm going to the fields on my own hook in the spring, with fifty men, and will hold my hand against all the experts you can send along. If I catch any of your kid-gloved gentry about there, I'll blow the stuffing out of 'em.

P. ARNOLD.

The great white heat of popular indignation fell not so scorchingly upon the originators of the exciting drama, as upon those who, by the eminence of their names and standing, had given countenance to it, and by their stock jobbing deals defrauded hundreds of credulous investors. Yet gambling is gambling, and he who participates in it is a gamester, and as such must take his chances. Stock gambling is not one whit more respectable than card playing, nor should any person who engages in it be shielded by law or public opinion any more than the faro dealer or poker player. I am unable to discover the justice of a law which punishes a card player who fleeces a victim, while a stock

gambler who engineers a corner in shares, wheat, pork or oil, and thereby ruins thousands, is not only allowed to go free, but crowned a very "Napoleon of Finance." Hence I was not among those who sympathized with the victims of the diamond frauds, who plunged into the stock pool and lost their money. But upon the hundreds who were deluded into leaving comfortable homes and remunerative occupations, in many cases sacrificing all they possessed to obtain the means wherewith to enter upon the pursuit of Phil Arnold's *ignis fatuus*, commiseration might have been worthily bestowed, for they, at least, were honest.

To close the chapter, Phil Arnold died at his home in Elizabethtown, Kentucky, in February, 1879. What became of his partner, Slack, I am not informed.

CHAPTER VII.

1872—REVIEW OF THE YEAR—MURDER OF GEORGE BONACINA BY THEODORE MEIERS—CAPTURE, TRIAL AND EXECUTION OF MEIERS—MURDER OF JOSIAH COPELAND BY VAN HORN—RIOTOUS ATTEMPTS TO LYNCH THE PRISONER—HEROISM OF SHERIFF COZENS—LEGAL EXECUTIONS DOWN TO 1888—THE FIRST ADMINISTRATION OF GOVERNOR M'COOK—APPOINTMENT OF GOVERNOR ELBERT—ARRIVAL OF PRESIDENT GRANT—M'COOK'S SCHEME TO OUST ELBERT—REMOVAL OF FEDERAL OFFICERS—A GREAT POLITICAL UPHEAVAL—DETAILS OF THE CONSPIRACY—INVOLVEMENT OF D. H. MOFFAT, CHAFFEE AND ELBERT—THE LAS ANIMAS LAND GRANT.

The year 1872 had been reasonably prosperous. The volume of general trade at Denver, estimated by the crude and informal processes of gathering data then employed, was placed at \$21,241,980, about forty per cent. in excess of 1871. In the line of improvements the records indicated that 1,497 buildings and additions had been erected, at a cost of \$3,722,000. The taxable, otherwise the assessed valuation of property in the Territory, aggregated in round numbers \$31,000,000, an increase of nearly eight millions over the preceding year. The products of agriculture, the mines, the cattle industry, manufactures, etc., were estimated at \$14,250,000. On all sides gratifying progress was shown, more especially, however, in the several departments of productive industry. The public finances were in excellent condition. There was no debt, and the treasury held a satisfactory balance over the gross expenditures, without any tax levy for 1872. In the field of agriculture almost phenomenal development was exhibited, both in the areas cultivated and the harvests secured, the value of the several crops being estimated at \$4,000,000. Great advances marked the efforts of stock-growers in the breeding of fine cattle and sheep. Six railways had been

constructed, with a total mileage of six hundred and forty-two miles. Some extraordinary results accrued from the development of mining, though the more productive sections were still confined to Gilpin, Clear Creek, Boulder and Park Counties, but in these unwonted activity prevailed, owing to the increased facilities for economical working, the better regulation of titles to property by the act of Congress of that year, and the higher prices paid for ores by the Boston & Colorado Smelting Company. A number of new coal mines had been opened and the markets for fuel widely extended.

On the 10th of August, 1871, an atrocious murder was committed at a ranch twelve miles south of Denver. The circumstances were such as to give it greater historical importance than it actually deserved, hence its introduction here. A man named George Bonacina, with a reputed sister named Arabella Newton, who was widely assumed to be his mistress, occupied the ranch and cultivated it. On the second of August, a German laborer named Theodore Meiers applied for employment as a farm hand, and was engaged. Neither Bonacina nor Mrs. Newton bore untarnished reputations for integrity and virtue. Meiers had saved a small sum of money. On Sunday, the 6th, Bonacina being short of funds, borrowed twenty-five dollars from his employe and came to Denver for Mrs. Newton, who had been making a short visit in this city. On their return to the ranch, employer and employe armed themselves and went out to sleep in some strawstacks near the house, as Bonacina had been informed that some of his neighbors with whom he had quarreled, intended to burn them. Meiers took with him a shot gun and a revolver. During the evening he asked his employer for the money he had loaned him. Angry words were exchanged, resulting in a fierce altercation, in which Meiers shot and killed Bonacina with a revolver. He then went to the cabin with the design of removing Mrs. Newton in like manner. In his confession made after his arrest, he distinctly stated that he went there to kill her. Answering his boisterous calls, she opened the door, when he fired from his gun a charge of buckshot into her breast. Though severely wounded, she was not killed,

as the assassin supposed and hoped. Meiers returned to the straw-stacks, rolled the body of his first victim in buffalo robes, covered it with sheaves of straw, then laid down beside the corpse and slept, as upon a righteous and wholly commendable deed well executed. At day-break, fearing discovery and arrest, he fled, going southward toward Pueblo.

In the meantime Mrs. Newton came to Denver and rendered an account of the murder to the authorities. The physician who dressed her wounds discovered that the entire charge of buckshot had entered her breast, four of the missiles passing entirely through her body. Sheriff D. J. Cook being apprised of the crime, summoned his chief deputy, Frank Smith, proceeded to the ranch and found matters to have occurred as related. After a short search Cook discovered the assassin's trail and followed it to a place known as "Woodbury's," twenty-five miles north of Pueblo, where Meiers was captured without serious difficulty. On the return journey the murderer related to Cook all the circumstances of the killing. He was tried before Judge E. T. Wells, in February, 1872, and convicted of premeditated murder. A motion for a new trial was made and granted, and the time fixed for the April term of that year, but the cause was continued by agreement of counsel to October 21st following, when it was again heard and a second verdict like the first returned. On the 30th of December, Judge Wells pronounced sentence of death upon Meiers, the execution to take place on the 24th of January, 1873.

The counsel for the accused put forth extraordinary efforts for a supersedeas, appealing to each of the three judges of the Supreme Court in turn, but without receiving the slightest encouragement. Next, some of the prominent Germans of Denver who felt that their countryman was being needlessly sacrificed because he happened to be poor and friendless, signed a petition to the acting Governor praying for a commutation of the sentence to imprisonment for life. Governor McCook being absent, the petition was presented to me with strong oral arguments in behalf of the doomed man. I listened to them attentively,

but at the close stated my convictions that the decrees of the courts when fairly reached should not be set aside by the Executive, unless some palpable error could be shown in rendering judgment, or new evidence adduced not given in the trial and which if produced, would effect a material change in the verdict. If they had such evidence it should be presented to Judge Wells, from whom a note stating that upon further consideration he had discovered sufficient cause for a rehearing, would immediately be followed by a respite for such time as might be suggested. An attempt was made, but nothing came of it. The next step taken by the petitioners was to telegraph Governor McCook as follows :

"Can you respite by telegraph, Theodore Meiers, to be hanged Friday, the 24th instant, for thirty days, so that a petition signed by over three hundred citizens for commutation of sentence to imprisonment for life, may reach you?"

On the 24th at 8 o'clock in the morning came this reply :

"Mr. Frank Hall is acting Governor in my absence. If he is not in the Territory, take this to Thompson (Major J. B. Thompson, his private secretary), and let him make out a reprieve for thirty days, acting in my name.

"[Signed]

EDWARD M. MCCOOK."

The receipt of this dispatch inspired the hope that since the Governor had expressed his assent, I would accede to their demand for a respite, if not for a commutation of the sentence. At 9 o'clock on the morning of the fatal day, as I passed down Larimer Street toward my office in the Good Block, the telegram quoted was handed to me, and soon after the committee of Germans who had presented the petition in the first instance, appeared and made still more urgent entreaties for clemency, dwelling at some length upon the expressions of assent given by the Governor in his dispatch. It had been made a rule of the Executive office to refrain from interference with the Courts in criminal causes, except upon petitions indorsed by the presiding judge and prosecuting attorney, expressing doubts of guilt, or requesting the exercise of clemency for good and sufficient reason. It was held that the laws were

made to be enforced, courts established to make full investigation of all cases brought before them, and that their judgments should be final; that when it appeared of record that a full and impartial trial had been given and the result showed that the offender should be punished as the law directs, neither the Executive nor any other power should interpose to nullify or change such action. The committee were so informed and their request denied, until it could be established, as alleged by his counsel, that grave errors had been committed. Judge Harrison, chief counsel for the prisoner, had been indefatigable in his attempts to obtain some modification of the stern decree, but in vain. Not one of the judges, after careful examination, could discover any material fault in the record. As a last resort he claimed to have discovered "that the statute as enacted by the legislature had been mutilated in printing," but investigation of the original bills proved the contrary. The principal lawyers and business men of the city were then importuned to visit my office and plead for a respite. Scores came, but I felt then as I do now, that they should never have been persuaded to undertake a mission of that nature, knowing it to be wrong.

Great excitement prevailed upon the streets, and it was reported that the prisoner would be rescued from the sheriff on his way to the scaffold, which induced Mr. Cook to take due precautions by calling out the military for its prevention. Meiers was executed at the time appointed. He maintained stoical coolness and indifference to the last. He had never made any concealment of his crime, nor did he express the least contrition. Two or three distinct confessions were made, covering all the details, both before and after the trial, and at the closing hours of his life, Meiers was about the only person connected with the case who maintained his mental equilibrium.

The first legal execution under the Territorial government was that of a man named Van Horn, who was hanged at Central City, in January, 1864, for the murder of Josiah Copeland. After his arrest, an attempt was made by a large body of citizens, with whom Copeland had been a general favorite, to lynch Van Horn, who had come to Gregory

Gulch a short time previous and settled down to the business of keeping a whisky shop. He brought with him a woman who was not his wife. Copeland occupied the position of chief clerk in the Massasoit House in Central City, was young, handsome, sprightly and attractive. In the course of events he and the woman mentioned became acquainted, and one bright moonlight evening toward the last of October, 1863, they strolled out together on the only reasonably level promenade in the county, known as the "Casey Road." Van Horn concealed himself at a convenient point, and when they appeared, sprang out, pistol in hand, and began firing at Copeland. At the first shot his victim turned and ran; Van Horn followed and killed him, then sought refuge in flight. He was pursued, captured, and lodged in jail. The citizens, apprehensive that he might escape punishment by law, organized a movement to take him from the sheriff when he should be brought out for preliminary examination, which was to be held in the old Montana theater. When the day arrived, hundreds came to witness the proceedings. The doors were no sooner opened than the auditorium, gallery and every available place was filled with miners and business men, the greater part fully resolved upon having a lynching that afternoon. They had planned to seize the prisoner as he was conducted from the court room, assuming that the sheriff (Wm. Z. Cozens) would bring him down by the front stairway, when, by a simultaneous rush, both could be overpowered. But immediately after adjournment of court, Cozens, divining their intention, spirited his prisoner out by a back door. The jail was only a few rods distant, but Van Horn being ironed, hands and feet, could make only slow progress, notwithstanding his alarm at the violent demonstrations made in the street below when the ruse was discovered. But the sheriff succeeded in distancing his pursuers and soon lodged his prisoner in jail. The crowd which filled Eureka Street rushed forward and demanded the keys. Cozens met them with a cocked revolver in each hand, returning an emphatic refusal.

"Then we'll take him!" yelled the leaders.

Cozens instantly drew a line across the street with the toe of his boot, and pointing to it, said :

“ I'll kill the first man who crosses it.”

The dense mass was made up of all classes, the miners predominating. Some of them were intoxicated and apparently disposed to take desperate chances. The heroic sheriff stood firmly at his post, unappalled by the boisterous clamor,—cool, collected, resolute. Every one knew him to be a dead shot with rifle or revolver, a brave man and a faithful officer. The leaders paused for an instant in silent admiration of this magnificent spectacle of patriotic intrepidity. They respected and admired him for the almost unexampled power he had maintained for years over the most desperate of the criminal classes. He had been sheriff and general regulator of public morals through all the trying periods of the camp ; had passed through all the storms of turbulence from the earliest days ; had conquered by the sheer force of his indomitable will every desperado and outlaw within his jurisdiction, many of whom would not have surrendered to any other officer. There was that in his flashing black eye and the expression of his clear-cut, immobile features which warned offenders not to attempt resistance or trickery with him. When he walked or rode up to such men with a command to surrender, his bearing indicated that resistance would be useless. No marksman upon the frontier could draw quicker or shoot more unerringly than he, yet I believe he never shot a human being in the whole course of his remarkable career. He never touched liquor, was an athlete of splendid physique and muscular force. He stood as the shield of the people against evil doers ; they relied upon him in every emergency which demanded prompt action and unfaltering courage. Such emergencies were frequent, but he never failed them. Intrusted with the public safety, he preserved it to the best of his ability.

A saloon near by furnished unlimited whisky to the crowd. A rope was obtained and a noose fixed, and a tree selected for the lynching. The leaders vehemently exhorted and urged the swaying masses to advance upon and overwhelm the sheriff, but under no cir-

cumstances do him bodily injury. Thus inspired, they made a sudden spring toward him, when up went his revolvers and then rang out a sharp command to halt, with the reiterated warning, "There is the line. I'll kill the first man that crosses it!" They approached, but did not overstep the bounds prescribed, for no man was bold or drunk enough to do so in the face of a decree which carried with it the death knell. He ordered the crowd to disperse and retire to their homes. They retired, but did not disperse. The wild excitement attending repeated efforts to reach the prison continued all the afternoon and up to midnight. Multiform devices were proposed for seizing and abducting Cozens, but all proved abortive. During the night the prisoner was secretly taken to Denver and lodged in the jail of Arapahoe County, to avoid further riotous scenes. In due time he was tried, convicted of murder in the first degree and sentence of death pronounced. Having maintained stolid indifference to his fate until within the last hour, when the sheriff went to his cell to bring him out for execution, he broke down completely and whined piteously for mercy. Cozens procured a large glass full of whisky and, as he handed it to him, implored him to brace up and die like a man, since die he must, and not like a coward. The liquor gave him courage to straighten up and say, "I will. Lead on, and you will see that I shall die like a man."

The entire populace turned out as if for a holiday, to witness the awful proceedings. The prisoner was put in a wagon, supported on one side by Cozens and on the other by United States Marshal A. C. Hunt, and, followed by the multitude, passed down the Casey road to a point near where the murder was committed and where frowned the scaffold with its dangling instrument of death. He mounted the rude structure briskly, and placed his feet firmly on the trap. There were no religious or other ceremonies, no delays. A few minutes later the spirit of the murderer passed to its Maker for final judgment.

This incident is recorded as the first legal execution that took place under our Territorial statutes. The reasons which actuated the citizens in their attempts to lynch Van Horn, grew out of the apprehension that

the laws as administered were inadequate to the punishment of capital crimes, and that no decrees save those of the people's courts to which they had been accustomed and which permitted no guilty person to escape, could be relied upon for the execution of justice. Though twenty-six years have passed, the opinion has not changed. The people simply acquiesce and hope for a better and a juster system of laws.

Two years later, on the 24th of May, 1866, Franklin Foster and Henry Stone, both young men, one twenty and the other twenty-six years of age, were publicly hanged in Denver for the murder of Isaac H. Augustus and another named Sluman, near the old Junction House on the Platte River, one hundred miles east of this city. Foster confessed the crime and implicated Stone. The latter denied participating in this affair but admitted having killed four people in the States prior to coming to Colorado. On this occasion the scaffold was erected at the foot of the low bluff overlooking Cherry Creek near the southern boundary of East Denver.

The third was that of Theodore Meiers. No further legal executions occurred in Northern Colorado between 1874 and 1888, when in the latter year Andrew Green, a colored man, was hanged on Cherry Creek just below Broadway bridge, for the murder of a street car driver. With that horrible event passed away forever, let us hope, the right to execute criminals in the presence of a multitude.

Resuming the order of political events in 1872, it may be stated that the administration of Governor McCook passed on without noteworthy incident, our internal affairs being ordinarily tranquil, until it began to be bruited about that a certain contract for supplying the Ute Indians with cattle and sheep, as provided in the appropriation which had been secured chiefly through the efforts of ex-Governor Hunt, and which it was openly asserted induced McCook to seek the appointment for himself, had been made an instrument for the perpetration of glaring frauds upon the government. He came here, as repeatedly declared, and with many expressions of virtuous indignation, for the express purpose of investigating and exposing the mendacious operations of the "Indian

Ring," with a view to its utter destruction, both here and at Washington, its general headquarters. He admitted that this combination, through long years of corrupting influences, had become stronger than the government itself, and while it would be a formidable and hazardous undertaking, he entertained strong hopes of success in his efforts to produce its overthrow. Under these righteous impulses he entered upon the rather perilous enterprise immediately, and as time passed, claimed to have made some startling discoveries. As Superintendent of Indian affairs, *ex-officio*, he had at his command all the books, papers, official reports and documents of his predecessors, in short, everything relating to the subject. Some of his acts in this connection awakened public attention, not so much because of his engagement in a search for irregularities, as in the unmistakable diversion of his movements from the main object toward the rather striking sequel, which will appear as we proceed.

Toward the close of his term of four years, so much adverse comment had been passed upon his acts as to induce the circulation throughout the Territory of a petition to the President remonstrating against his reappointment, and requesting the selection of Samuel H. Elbert in his stead. This paper was extensively signed, and together with others relating to the subject, forwarded to President Grant. As a result, McCook was set aside, and Elbert appointed. The new appointee who had been absent during the later of these proceedings, returned to Denver April 3d, 1873, was met at the depot by a large delegation of citizens and warmly congratulated upon his elevation to the gubernatorial chair. He was escorted to the residence of ex-Governor Evans, where a reception was held, Hon. H. P. H. Bromwell delivering the address of welcome.

Governor Elbert qualified and assumed the executive office April 17th, 1873. On the 26th President Grant, accompanied by his wife and daughter, Gen. Harney of St. Louis, Gen. O. E. Babcock, his private secretary, and Gen. Giles A. Smith, arrived, were received by the Governor, Delegate Chaffee and others, and entertained by ex-Governor

Evans. A day or two later they visited Central City and the gold mines thereabouts, dined at the Teller House, and afterward took carriages for Idaho Springs, the President being driven by William L. Campbell. It was on this occasion that Campbell, or "Red Cloud," as he was more familiarly called by his more ardent admirers, created so favorable an impression upon the President as to cause his appointment to the office of Surveyor General of the State some years later.

During his visit here Gen. Grant had abundant opportunities for observing the condition of government in the Territory, and the general sentiment respecting Elbert and his administration. He knew that the appointment had been well received; that Elbert had been identified with public affairs since 1862, and that with the single exception of his prominent association with, and his persistent advocacy of, the several State movements, had created no serious antagonisms. As a lawyer he stood high in the profession; as a citizen he was universally esteemed. The people believed that his administration would be just, impartial and progressive.

While it was known that McCook felt deeply humiliated by his summary dismissal, for it amounted to that, and secretly inclined to resent it, his following was not strong enough, nor were his few admirers so attached to him as to warrant the fear of a factional uprising in his behalf. Nevertheless, on his departure for the East, he was reported to have declared his ability and intention to overturn the existing government and come back to the Territory in due time as its executive head.

He proceeded to Washington, established his residence there, and arranged his plan of campaign for the future. Having been associated with Grant's Western army in a number of battles in command of a division of cavalry, it was not difficult for him to secure the adhesion of some, at least, of his old comrades. His first step was to fortify himself in the confidence and esteem of Gen. O. E. Babcock, then one of the more influential of the President's attaches. Passing over the minor details, it is sufficient evidence of the progress made, that on the 27th

of January, 1874, the President suddenly and without the slightest warning, sent to the Senate the following nominations :

Edward M. McCook to be Governor, John W. Jenkins of Virginia to be Secretary, and T. B. Searight of Pennsylvania, to be Surveyor General of Colorado, vice Elbert, Hall and Lessig removed. No charges were preferred, no explanation given, or reasons advanced for the change. It had been resolved upon without consulting any one save McCook and his supporters. The blow fell upon Chaffee and his friends like a thunderbolt from a cloudless sky. The names had scarcely reached the Senate chamber before Chaffee was apprised of the fact by his friends in that body. Though stricken with consternation by the announcement, he instantly determined to fight the confirmations, and if defeated to resign his office, return home, and institute a new campaign in Colorado. His first act was to telegraph Governor Elbert. On receipt of the dispatch the Governor sent it to me with the request to call at his office, where many of the prominent men of the Republican party had gathered for consultation respecting the course to be pursued in this emergency. If the intelligence created widespread astonishment here, as it certainly did, it was even more pronounced in its effect upon Mr. Chaffee and his adherents in Washington, where his intimacy with the President had been a subject of universal knowledge. He had been one of Gen. Grant's warmest and most trusted friends; had earnestly supported his nomination, election and administration; had rendered him conspicuous service on many occasions. Why, therefore, he should thus have precipitated a bitter conflict was beyond comprehension. But without waiting or asking for an explanation, or attempting to see the President, Chaffee strode into the Senate chamber and began organizing his friends there against confirmation.

In Denver and throughout the Territory innumerable conjectures were indulged. Without details for a rational conclusion as to the cause of the removals, rumor took the place of fact. The people fairly rioted in the variety of reasons which came from a thousand sources, but the better informed at once recalled and repeated McCook's threat to

oust Elbert and supplant him. The excitement grew apace, stimulated and kept aflame by a coterie of malcontents who, having nothing of the loaves and fishes of federal patronage to hope for from the reigning power, plunged gleefully into the turmoil under the impression that their reward might come by accident if in no other way, as one of the resulting consequences.

On the 28th a meeting was called at Guard Hall for the purpose of giving expression to public sentiment upon this surprising event. The town was in an uproar. As time passed the disinterested observer found ample food for reflection by watching the numbers who were attaching themselves to the cause of the rehabilitated leader. The meeting had been called by the friends of the deposed Governor to voice the popular indignation against his sudden and unwarranted decapitation. While many of his friends were present, as the hall filled it began to be manifest that the opposition was largely represented, and there being no reason why its leaders should not give vent to their opinions, they made bold to utter them from the platform. Some of the speakers rejoiced over the great political upheaval which the misguided President had somewhat rashly caused. The old State and anti-State factionalism, for some time dormant, reappeared; long buried prejudices were revived. As a matter of fact, the tone and temper of the gathering had been diverted from the primary object of the call to a ratification of the change. Not that McCook was popular with any class, nor that Elbert had given any offence to be avenged; scarcely one of the speakers rejoiced over his downfall, yet there was a coloring of gratification that the dominating faction which they alleged had set them aside, ignoring their claims and thwarting their political aspirations, had been cast down. Elbert was not arraigned for any unjust or unwise executive act, nor because of any objection to him as a man and a citizen. For his excellencies of character he was universally respected, but he was, nevertheless, by virtue of his office and his prominence in affairs, and especially with the party, which from 1864 onward had originated and prosecuted all the movements for the admission of

the Territory as a State, in some degree in opposition to the popular will, made the leader of a new project to that end, and in the resultant distribution of political favors, if successful, would necessarily exert great influence. In a word, it was a contest of the "outs" against the "ins," and the reappointment of McCook seemed to open the way to their advantage.

We have said there were no objections to any of Elbert's administrative acts, yet there was one which was now brought forward and employed with telling effect against both Chaffee and himself, but with much greater force in Washington than in Colorado,—the nomination of David H. Moffat to be Territorial Treasurer, to the council of the assembly then in session. As upon this act, insignificant and trifling as it may appear, hinged all present and subsequent disorders which filled that stirring epoch in our history, and became in due course a vital factor in the proceedings which culminated in the abolition of the Territorial government, and the creation of a powerful State in 1876, it is proper to give a rapid digest of the underlying impulses whereby such momentous consequences were produced.

The carefully devised plot at the bottom of these developments was not discovered immediately, but came to light some time after its main purpose had been partially consummated. It was then discovered that a small cabal had been formed by W. W. Lander, an able, shrewd and wholly unscrupulous politician, well known,—too well known in fact—at the National capital, but a comparative stranger here, being out of favor with the ruling powers, and sadly in need of a place, had undertaken to make one for himself in Colorado by revolutionizing the Denver postoffice. Observing his opportunity in the defection of McCook and his allies, he took up the cause at this end of the line in co-operation with the ex-Governor's scheme at the other. He began his conspiracy in the late autumn of 1873, through a series of furious assaults upon Mr. H. P. Bennett, then postmaster at Denver, charging him with flagrant mismanagement of his office and culpable misdirection of the mails. These attacks were published in a weekly newspaper called the

"Mirror," edited by Stanley G. Fowler, a brilliant writer and an experienced journalist, who had established his paper upon the basis of superior literary merit. Lander presented his evidence of Bennett's shortcomings and at length persuaded him to give it a highly sensational coloring, though in reality it had no substantial foundation. The objective point in this case was to procure the removal of Bennett upon manufactured allegations, and the appointment of David A. Cheever to the place, with Lander himself as assistant and general manager. It is but simple justice to state that Cheever was an honest, upright man, and whatever his connection with Lander may have been, or with the events which finally led to his appointment, he was in no sense a willing conspirator, even while apparently lending himself for the time being to a project which ultimately effected his ruin, for in the end his rascally assistant reduced him to the verge of absolute destitution.

The most venomous fulminations against Bennett appeared in every issue of the "Mirror," which, in the then convulsed state of public feeling, produced some effect. A petition favoring Cheever's appointment was circulated and received a considerable number of signatures, though by the majority the charges against the incumbent were rejected as malicious misrepresentations. But something more than a petition was deemed essential to the success of this daring enterprise, for postmasters are not removed from office under such allegations without investigation, and Lander knew that if he rested his cause wholly upon an examination it would be a fatal mistake. The influence of the dominant political power must also be undermined and broken if his bold adventure were to have a fortunate issue. Therefore, almost simultaneously with his crusade upon Bennett, there appeared in the same paper a surprising expose of an alleged gigantic land steal in the county of Bent, in which the fair name and reputation of Mr. David H. Moffat were involved. Having a desire to be informed of the facts in this case, I, with others, set about a rigid examination of the statements published, and having access to the land office at Pueblo, whose officers

were implicated, the following epitome was obtained and given to the public in the Rocky Mountain "News:"

The Las Animas land grant ceded to Ceran St. Vrain and Cornelio Vijil by the Mexican government in 1844, embraced a tract of something over four million acres, lying in the fertile valleys of the Huerfano, Apishapa, the Purgatoire and their tributaries. After the death of Vijil, St. Vrain, as manager of this vast estate, applied to the United States government for confirmation of the title. At that time it was within the jurisdiction of New Mexico. In the regular course of events the Surveyor General of that Territory was authorized by Congress to make a rigid examination of all private land claims within his province, and instructed to report the exact status of each. Among others, that of St. Vrain & Vijil was reported, whereupon Congress confirmed to each of said claimants eleven square leagues of land. This act was approved June 21st, 1860, and provided that surveys should be made to cover all tracts occupied by actual settlers holding possession under titles or promises to settle given by St. Vrain & Vijil in the tracts claimed by them, and after deducting the area of all such tracts from the area embraced in the twenty-two square leagues, the remainder was to be located in two equal tracts, each of square form, in any part of the land claimed by St. Vrain & Vijil, and it was made the duty of the Surveyor General immediately to make the surveys and locations authorized by the act.

It having been subsequently represented to the Commissioner of the General Land Office that St. Vrain & Vijil had disposed of more land than they were entitled to under the grant of twenty-two square leagues, Congress in February, 1869, passed a supplemental act for the purpose of adjudicating the claims derived from the original grantors. This act provided that the exterior lines of the twenty-two leagues, confirmed subject to claims derived from them by actual settlers, should be adjusted according to the lines of the public surveys as nearly as practicable, and the claims of settlers holding possession by virtue of deeds or promises to settle, issued prior to the passage of the act, who should establish their claims within one year from the date of approval, to the

satisfaction of the Register and Receiver of the proper land district, should, in like manner, be adjusted according to the subdivisional lines of survey, so as to include the land so settled upon and purchased, or in other words, matters were to be so ordered as to protect the *bona fide* rights of settlers first, and if anything remained it might go to the grantors. But as they had conveyed their entire claim and many thousand acres more than had been confirmed to them, there was no remainder to be adjusted. However, the surveys were made and notice given to derivative claimants to file and substantiate in the proper land district, their claims within one year from the 25th of February, 1872. Under such notification a number of claims were filed in the land office at Pueblo. Testimony in support thereof continued to accumulate during the year. About the middle of February, 1873, the Commissioner of the General Land Office notified the local land officers that the time for this class of claims would expire on the 25th of that month, and instructed them to allow pre-emptions and homestead entries of all lands lying within the original bounds of the St. Vrain & Vijil estate, not covered by the rights of derivative claimants on file in their office at that time. The notice was published in the local papers and it was assumed by the officers named, that the public had been thereby legally and fully advised of the facts in the case.

On the 4th of March following, filings began to be made and entries allowed as per instructions. The lands being open to entry, many persons availed themselves of the opportunity. On the 25th of February, 1873, a notice was filed in the Pueblo land office, to the effect that one D. W. Hughes would appear on that day and prove his right to certain lands in townships 23 South Range 52 West, and 23 South Range 53 West. The day passed, but no proof was made. On the first day of May following, Hughes' attorney appeared, withdrew the claim and relinquished the land to the United States, whereupon it was treated as public land, and various parties made entries upon the tract as well as upon other portions of the Las Animas grant during that month. All the papers were certified to and forwarded to the General Land Office

in Washington, and appearing to be all fair on their face, patents were issued to the pre-emptors. Some thirty of these pre-emptions upon the tract in question, each covering a quarter section, were approved and ultimately patented. In the meantime a deed, supposed to have been duly acknowledged by the pre-emptors, was placed on record in Bent County, conveying the lands to certain parties named Perry and Harris, and subsequently a deed from these two parties to David H. Moffat, Jr. and Robert E. Carr (the latter President of the Kansas Pacific Railroad), as trustees. Later, the town of West Las Animas was laid out and organized by the railway company, which had built a branch from Kit Carson to that point.

The extension of the railway and the preparations for the building of a town, gave the tract a prominence and value previously unknown. At once a number of parties who had asserted their intention to pre-empt some of the land, claimed that they had been deterred therefrom by representations of the land officers at Pueblo, to the effect that they were covered by derivative claims. A great clamor arose, and charges of deception and fraud were vociferously proclaimed. A rush was made for the town site, and forcible possession taken. A combined effort to nullify the patents was formed and the matter taken to the courts, with what result will appear in the regular course.

With this hasty introduction we come back to Mr. Lander and his machinations, with the observation that his evidence against Mr. Moffat was wholly derived from the statements of the more violent contestants, some of which possessed a few grains of truth, but in the heat of passion and smarting under what they believed to be an unmitigated outrage, the greater part were highly colored, but just the material which he required for use in striking at the heart of the controlling powers. The several accounts were adroitly made up to serve the purpose in hand, forwarded to Washington, and by McCook laid before the President as conclusive testimony that Elbert, Chaffee and Moffat had been engaged in a colossal scheme of piracy upon the public domain.

Meanwhile, with the material facts in my possession, I called upon

Mr. Fowler at his sanctum and presented them to him. During the interview it appeared that he had been fully persuaded of the accuracy of the reports furnished him by Lander, and it was through Fowler that the names and purposes of the conspirators were first made known to me. By this time, also, it had become apparent to the editor, who seems to have acted conscientiously in exposing what he believed to be a public swindle, that the clique had been using him as a cat's-paw to further their own ends. Therefore, the next issue of his paper repudiated the association and thenceforth became one of the staunchest advocates of the old regime.

Lander then transferred his cause to the "Tribune," edited by General Champion Vaughn. In a confession published long afterward, Vaughn stated that it was made clear to him from McCook himself that the charges which had been published against Moffat, Chaffee and Bennett were fully credited at the White House, and that Elbert had been implicated in the alleged frauds by reason of his appointment of Moffat as Territorial Treasurer. At all events, this was made to serve as a motive for suspecting the entire administration, local and federal, of collusion with a vast scheme of corruption, and eventually wrought its downfall.

To all appearances, McCook had obtained complete ascendancy over Grant in this matter. To establish the truth of their allegations respecting the land steal, the President was induced to send out as special commissioner, a man named Robinson, with instructions to make an exhaustive examination of affairs at Las Animas. His report, rendered a few weeks later, reflected with extreme severity upon the manner in which the public lands involved had been entered and disposed of, and inferentially, though not directly, inculpated Mr. Moffat with the irregular entries. This report was the moving influence which provoked the famous contest between the President and Mr. Chaffee, simply because the latter was made to appear as a sharer through his partnership with Moffat, in the alleged nefarious transactions. It may as well be interpolated here as anywhere, that the Las

Animas lands mentioned were secured for the Kansas Pacific Railway Company, and that Mr. Moffat had no further part in the transaction than to act conjointly with Robert E. Carr, the president of the road, as one of the trustees. The result of the judicial inquiry appears in the succeeding chapter.

CHAPTER VIII.

1873-1874—INSTALLATION OF THE NEW REGIME—EXPOSURE OF M'COOK'S CONTRACTS FOR SUPPLYING THE INDIANS—STRANGE APPROVAL OF A DIVORCE BILL—ATTEMPTED REMOVAL OF TERRITORIAL OFFICERS—APPOINTMENT OF JUDGES BRAZEE AND STONE—INDICTMENTS AND SUITS AGAINST MOFFAT, STANTON AND COOK, AND THE RESULT—ELBERT'S GREAT IRRIGATING CONVENTION—PLAN FOR RECLAIMING ARID LANDS—M'COOK'S SECOND ADMINISTRATION—THE PRESIDENT RECOMMENDS THE ADMISSION OF COLORADO—INTRODUCTION OF BILLS TO THAT END—BLACK FRIDAY AND THE PANIC OF 1873—EFFECT ON DENVER BANKS.

The nomination of McCook, Jenkins and Searight followed almost immediately after the receipt of Robinson's report. Bennett was ousted and succeeded by Cheever. Lander, while in Washington pushing the nomination of Cheever, was the accredited correspondent of the Denver "Tribune," sending letters and special dispatches of the most sensational and mendacious character over the *nom de plume* of "Michael." It took some time to get Bennett out and Cheever in, and he employed the interval in spreading dissensions and working confusion through the columns of that paper. Immediately after Cheever's confirmation, both he and the new appointee left McCook to fight his battle as best he could, taking the first train for Denver. The General, however, was in no mood to tolerate such desertion, but as they were beyond his reach, he peremptorily, by wire, summoned Vaughn to Washington to act in their stead. Vaughn obeyed, after filling his place as editor with another actor in the conspiracy. Under the substitute the paper abated nothing of its former virulence against the deposed officers and all others who acknowledged Chaffee's leadership. Its assaults upon their private character and public acts had been from the first merciless, and frequently indecent and brutal. It resorted to the blackest vituper-

ation and published the most glaring falsehoods ; truth was wholly sacrificed to mere sensationalism. Every issue blazed with fanciful headlines, fictitious telegrams from the seat of war, and every form of abuse.

Meanwhile, Governor Elbert, Moffat and Lessig, with several other representative Republicans, were collecting testimony regarding McCook's manipulation of Indian beef and sheep contracts, and having secured much racy evidence, they went down to Washington to reinforce Mr. Chaffee in his combat before the Senate. They put the best detectives in the country upon McCook's trail, and in due time, ferreted out every detail of his cattle purchases and the payments therefor. Notwithstanding the vast influence and power of the President over Congress, and the natural reluctance of senators to antagonize this power, Mr. Chaffee succeeded in gaining the support of nearly all the Republican members and their pledges to stand by him. The potential instrument in his hands, was the evidence relating to the contracts just mentioned, and which will now be rapidly epitomized.

It was made to appear by these papers that on the 21st of August, 1869, Governor McCook advertised for sealed proposals to furnish seven hundred and fifty good American cows, with one bull for every fifty cows, and three thousand five hundred ewes, with one ram for each one hundred ewes ; said cattle and sheep to be delivered at the Uncompahgre and White River Indian agencies, at any time between October 1st and November 1st of that year. He was especially careful to announce in the advertisement, and in his personal declarations also, that no Texas cattle would be accepted. All must be of good American breeds, that would stand rigid inspection. The basis for this action had been laid in Ex-Governor Hunt's treaty with the Utes in 1868, his plan contemplating the location of the different tribes upon the reservations allotted to them on White River, and in the Uncompahgre country, with a view to their gradual civilization and engagement in the pursuits of agriculture and stock raising, and thereby in the course of time, under the wise counsels of the great Chief Ouray, become self-supporting.

When the day arrived for opening the bids, McCook was at Colorado City in company with one C. F. Holt, who proved to be the successful bidder. The proposals were opened at the Executive office in Denver, by his private secretary, but the result was not announced until after the Governor's return on the 13th. In the list were proposals by William Cole, H. P. Bennett for George M. Chilcott, L. F. Bartels, C. F. Holt, Wilbur C. Lothrop, John Kerr and Lilley and Coberly. As if by preconcerted arrangement, the contract was awarded to C. F. Holt of Kent County, Michigan, at \$45.75 per head for cattle to be delivered at the Upper, or White River, Agency, and \$36.25 per head for those delivered at the Uncompahgre Agency.

Through inquiries prosecuted by the unsuccessful bidders, who left no channel unsearched in justification of their suspicions of unfair dealing, it was discovered that Holt was a distant relative of McCook's by marriage, a person wholly without capital, but little known, and, until a very recent date, a resident of Michigan, who, it was more than suspected, had been imported for the occasion. It appears that he did not purchase the cattle, but merely obeyed his instructions. The bond for \$50,000 was executed by a stranger, unknown to our people, approved by the Governor, and transmitted to Washington.

The contract having been awarded, a herd described by those who saw it, as "a very poor lot of scrawny Texas cattle," was delivered by a dealer named Stockton at Red River, New Mexico, and driven northward toward the San Luis Valley. Holt remained at Colorado Springs the entire time, and, so far as known, never saw the stock. It was stated that McCook personally inspected the herd, riding by it in an ambulance, near Fort Garland. While he had repeatedly declared that no Texas cattle would be received, a number of witnesses testified from personal observation that not a hoof of American cattle, except a few worthless bulls, was to be found among them. Mr. John G. Lilley, at present writing a member of the Board of County Commissioners for Arapahoe County, saw them and testified that they were a poor lot of Texas cattle. A personal interview with Mr. Lilley since this chapter

was begun, confirmed his testimony then given. The average value of the animals was placed at ten to eleven dollars per head. It was ascertained that they were purchased at an average of seven dollars and fifty cents per head. The payments were made at Washington upon vouchers presented to the department of Indian affairs by Wm. S. Huntington, cashier of the First National Bank of that city, who received November 1st, 1869, \$16,638.75, and on December 2d following, \$13,996.44, making a total of \$30,635.19. The vouchers were in Holt's name, but the money was deposited to McCook's credit. Up to that time none of the stock had been delivered at either agency. The Governor kept an account at the First National in Washington, and also at the First National in Denver, and simultaneously with the payment of the vouchers, both accounts were materially increased.

According to the evidence submitted to the Senate, he paid \$7.50 per head for the stock, and received from the government \$30,635.19—net profit, \$23,135.19. Deducting \$800 which it was said he paid to Holt for his services, the final profit was \$22,335.19.

The stock was not delivered to the Indians until 1871, when it was driven to them by U. M. Curtis, Indian interpreter, at the expense of the government. The savages, fully alive to the cheat practiced upon them, refused to accept the cattle. What became of the two years' increase from the seven hundred and fifty cows, or of the sheep advertised for, if the latter were furnished, has not been ascertained.

Such was a part, at least, of the testimony collated and brought before the Senate for its consideration. Another incident of this somewhat sensational indictment came under my own personal observation. The Territorial legislatures, prior to the act of Congress inhibiting special legislation, were besieged at every session to adjust a large number of marital infelicities by the passage of divorce bills, this method of separation being a cheaper and in most instances a more expeditious process than regular proceedings at law. At the session of 1870, two parties came here from an eastern State for the express purpose of procuring divorces. The bills were passed and reached the

Governor for his approval on the last day of the session. While several bills of this nature received his signature, it appears that in one of the causes under consideration there had been some sort of a private understanding between the principal and the Executive, which had not been fully complied with. At any rate, whatever the reason, it was laid aside unapproved, and in due course came to my office to be filed with other unsigned measures. In September or October following, during my absence from the Territory, the parties interested in these particular divorce bills called at my office to procure certified copies of them. My clerk, Mr. W. H. Townsend, procured them from the files, when to their astonishment it was discovered that only one had been approved. Both supposing themselves legally separated had remarried, therefore the one who had not been divorced at all found himself in a serious dilemma. They departed, presumably for the Executive office. Mr. Townsend, leaving the dead bill upon his desk, went into the United States land office adjoining, of which he also had charge in the temporary absence of the Register, and was detained there about half an hour. When he returned the bill lay where he left it, but bearing the Governor's signature freshly written, and ante-dated to the time of its passage by the legislature, six or seven months previous. He was, naturally enough, astounded at the trick that had been practiced upon him. He instantly wrote out a statement of the occurrence in detail; swore to it before a notary, and forwarded it to me. This affidavit accompanied the evidence taken in connection with the cattle purchases, and other testimony laid before the Senate, and should alone have been sufficient to cause the immediate rejection of McCook's nomination, but it did not have that effect, as we shall discover.

About the middle of February, Jenkins and Searight were confirmed, but the fight on McCook continued with great bitterness until the 19th of June, when it was brought to a favorable conclusion by the following vote: Twenty-five Republicans and one Democrat voted nay; seventeen Democrats and ten Republicans voted aye. Thus, after a struggle of more than five months, led by the delegate from the Terri-



Louis Dugal

tory of Colorado against the President of the United States, backed by the power of his exalted position, this unprecedented conflict came to an end. The Democratic senators were actuated by the hope of destroying the supremacy of Republicanism in Colorado, and its speedy admission into the Union as a Democratic State, since a bill for an enabling act had passed the House on the 8th of June by over two-thirds majority. It was reported, and was probably true, that pending the trial in the senate, McCook, apprehending defeat, offered to compromise on this basis,—if Chaffee would withdraw his opposition and allow the confirmation to take place, he would write out his resignation and place it in Chaffee's hands. All he desired was a vindication through a favorable vote, but Chaffee promptly refused to entertain it.

The newly appointed Secretary, Mr. Jenkins, a Virginia politician, arrived in Denver, April 6th, 1874, and at once assumed charge of the office. Removals of federal officeholders continued until a clean sweep had been made of every one whose appointment had been made at the request of Mr. Chaffee. Louis Dugal, a wounded soldier, Register of the Land Office, was supplanted by Herman Silver of Ottawa, Illinois. Keyes Danforth of Arkansas, was made Register of the Pueblo Land Office, vice Irving W. Stanton, another faithful soldier removed; J. L. Mitchell displaced Charles A. Cook as Receiver of the same office. Though all but Mitchell were good appointments, there was no sufficient reason for the displacement of the incumbents, save the contest between the President and Mr. Chaffee.

Louis Dugal emigrated to Colorado with the great procession of gold seekers in 1860, but returned east in 1862 and enlisted as a private in the One Hundred and Forty-Sixth New York Regiment. At the Battle of the Wilderness, May 5th, 1864, he was severely wounded,—shot through the right lung and right arm; his collar bone broken by a bullet through the shoulder, and his right leg so shattered by another ball as to necessitate its amputation. Left upon the field, he was taken prisoner by the Confederates, by whose surgeons his leg was amputated in defiance of his protest that the limb could be saved by proper treat-

ment. Seven days elapsed before his other wounds were dressed. Left lying under a tree without other shelter from the sun and storms, he was finally taken to Richmond and confined in Libby prison. September 1st, 1864, he was paroled, and on March 2d, 1865, received honorable discharge from the Federal army, and soon afterward returned to Colorado. He was appointed Register of the Land Office in Denver during the early part of Gen. Grant's first administration, and discharged his duties ably and faithfully, giving no cause whatever for dismissal.

As one of the events occurring in the Senate pending the confirmation of McCook, it may be stated that the Committee on Territories to whom the testimony heretofore related had been submitted, on the 7th of May reported the case in full, but by a majority vote it was re-committed. This act was regarded as being tantamount to indefinite postponement, and therefore heralded throughout the city as a victory for Chaffee, and a decided rebuff to the President. But it appears to have been designed to afford McCook an opportunity to withdraw, or for the President to recall the nomination.

About the 12th of May, 1874, Mrs McCook died at the residence of Gen. Morgan Smith, in Washington. She was a beautiful, brilliant and fascinating woman, highly educated, a welcome guest in the first circles of society by reason of her splendid attainments and rare conversational powers. In her death, Gen. McCook lost the great potential influence which had sustained and advanced his political aspirations. When the grave closed over her remains, he began to sink far below the position to which her beauty and wiser judgment had elevated him, and to which he has not since been able to return.

Meanwhile, as already mentioned, Mr. Jenkins had assumed the dual position of Secretary and acting Governor, and immediately began co-operating with the McCook forces here and at the National Capital. Among his other Territorial appointments, Governor Elbert had made W. R. Thomas, then editor of the Rocky Mountain "News," Adjutant General of militia. Jenkins attempted to oust all of Elbert's appointees, beginning with the Adjutant General, not because there were any charges

against him or them, but manifestly in accordance with a preconcerted plan to fill all places of trust with McCook's adherents. Therefore, he curtly advised Mr. Thomas of his removal. Thomas consulted the law, and finding there no authority for the act, declined to vacate. He was in possession of the arms, accoutrements, guns, pistols and archives of the department, and proposed to hold them until legally displaced.

Gen. McCook arrived July 24th. The question concerning the right to remove Territorial officers having been submitted by Gen. Thomas to the Attorney General at Washington, for his opinion, that officer replied that the Governor of a Territory could only remove such officers as had been appointed by him to serve during his pleasure, but had no power to remove such as had been appointed for fixed terms, or during the pleasure of others, unless an organic law, or in some cases a Territorial law, expressly empowered him to do so. Mr. Thomas having established the precedent, and caring nothing for the office, on the 27th of July sent in his resignation, to take effect October 1st, 1874. In the preceding chapter it is stated that Governor Elbert raised the storm which brought about far reaching effects, by the appointment of Mr. Moffat to be Territorial Treasurer. He at the same time nominated to the Council Mr. Levin C. Charles,—a brother of Hon. J. Q. Charles,—as Territorial Auditor. On the 11th of September, Governor McCook issued an order removing both Moffat and Charles, naming George C. Corning of Boulder for Treasurer, and Gen. R. A. Cameron of Greeley, for Auditor. On the 17th of that month Mr. Corning filed his official bond with the Secretary, and on the 19th made a verbal demand upon Moffat for the records, accounts and cash held by him, which was met with a courteous but emphatic refusal. He then presented a demand in writing as follows: "I do formally demand that you, without unnecessary delay, deliver to me the books, files, papers and documents pertaining to said office, and the seal thereof, and that you at the same time pay over to me all public moneys that are now in your hands as late Territorial Treasurer."

Again Mr. Moffat declined to surrender until he could do so with

safety to himself and bondsmen, and by authority of law. No charges had been preferred, no cause for the removal assigned. The Treasurer, like all others appointed by Elbert, stood upon the opinion rendered by the Attorney General,—(written by the solicitor of the Treasury, and indorsed by him) in response to the application of Adjutant General Thomas, which determined the fact that the Governor possessed no legal right to make such removals. Meanwhile, the Treasurers of the several counties being in doubt as to which side was uppermost, discreetly held the public funds collected by them subject to the final outcome.

Financial affairs were further complicated by the action of Auditor Charles, under the following circumstances. Nathan Thompson, President, and George C. Corning, Treasurer of the newly created State University at Boulder, made application to Mr. Charles for a warrant on the Territorial Treasurer for the sum of \$15,000, the amount appropriated by the legislature in aid of said institution. The application was based upon an affidavit by Thompson and Corning that the conditions under which the appropriation was made,—a subscription of a like amount to the erection of a University building by the citizens of Boulder,—had been complied with. Mr. Charles refused to issue the warrant for several reasons,—want of legal evidence that the University had been lawfully organized, and of the legality of the officers chosen, but principally because the bond tendered by Corning did not comply with the statute in such case made and provided. He could neither approve the bond in its present form, nor draw the warrant until furnished with more satisfactory evidence of compliance with all the legal requirements.

Toward the close of October it began to be intimated that Corning would institute proceedings in the courts to obtain possession of the Treasurer's office, but the matter went no further. Both Moffat and Charles retained their offices to the end of the terms for which they had been appointed.

Returning to Federal affairs once more, about the 14th of February, 1875, Amos Steck, Receiver of the Denver Land Office, was

removed and Major Samuel T. Thomson appointed in his stead. As in all the other cases, this act was wholly unwarranted, except that Steck was not in accord with the McCook *regime*. He had conducted the business with signal ability in the trial of many important cases, and was popular with all classes,—a valuable officer by reason of his unswerving probity, his thorough knowledge of the laws and regulations relating to the public lands, and extreme affability to all the patrons of the office.

Prior to this event, however, there had been a great deal of contention over the judges of the Supreme Court. The McCook faction desired a clean sweep of the existing judiciary, with the exception of Judge Hallett, whom no influence that could be brought to bear would induce General Grant to disturb, but the displacement of Judges E. T. Wells and James B. Belford was persistently urged, while Chaffee insisted as strenuously upon their retention. The President finding it impossible to reconcile matters, determined to select two associate justices from persons not connected with either faction, and non-residents of the Territory. The term of Judge Wells was within a few weeks of expiration, but Belford had been reappointed the previous winter. As a consequence of the various contentions, A. W. Brazee of Lockport, New York, an able lawyer and a gentleman of exalted character, who had served four years in the army, and for some time as Assistant Attorney for the Northern District of New York, was appointed to succeed Wells, and Amherst W. Stone of Colorado, in the place of Belford. On retiring from the bench at the expiration of his term, Judge Wells formed a law partnership with Major E. L. Smith, which continued until the election of the former to the Supreme Court of the State in 1876.

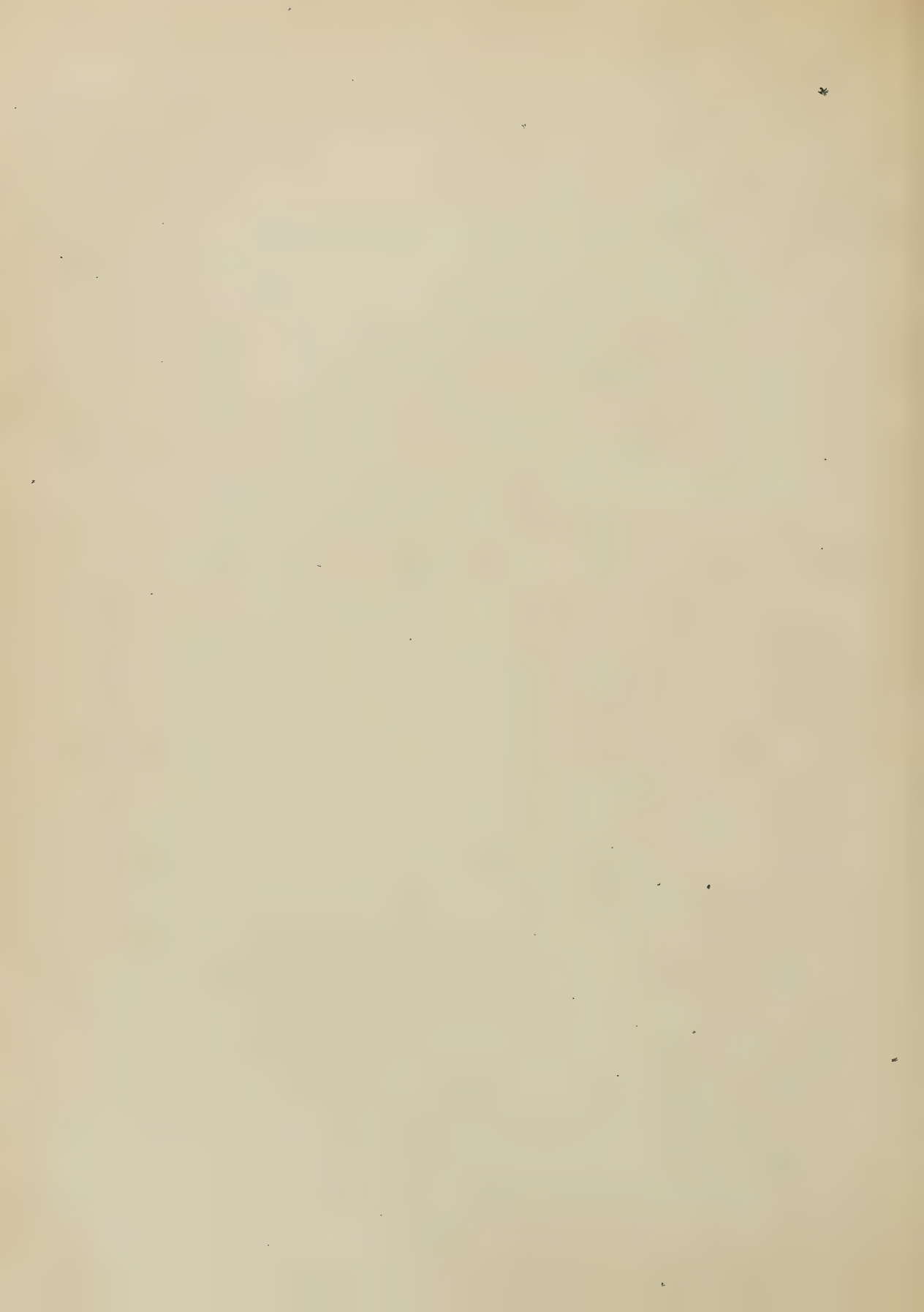
It is now proper to return, after the necessary digression to other channels, and trace to its conclusion the initial event of all the foregoing disorders, which threatened to destroy Republican supremacy in the Territory, namely—the connection of Mr. D. H. Moffat's name with alleged land frauds in the county of Bent.

Upon the charges which grew out of Robinson's report and others brought by Lander, H. C. Alleman, U. S. District Attorney for Colorado, a small man with rather extraordinary views of the dignity and importance of the position to which he had been elevated, and with a still more remarkable *penchant* for bringing actions with an eye single to the fees and emoluments derivable therefrom, and who was readily distinguishable from other attorneys from the fact of his always appearing in court carrying a green bag, brought civil suits against Moffat and the land officers at Pueblo, Messrs. Irving W. Stanton and Charles A. Cook, and also procured their indictment for conspiracy to defraud, etc. It was reported at the time that he produced no witnesses before the grand jury to sustain his allegations; nevertheless, the indictments were found and the accused summoned before the December (1874) term of the District Court at Pueblo, Judge Belford presiding. They appeared, as directed, fully prepared to make answer, but after several ineffectual attempts to have the cause called for trial, the District Attorney was compelled to acknowledge that he could not sustain the indictments and moved that proceedings under them be discontinued, notwithstanding the well known circumstance that he had summoned more than twenty witnesses to sustain the charges. Therefore, but one interpretation could be given to the withdrawal, that the indictments had been procured for "revenue only." Belford's refusal to be a party to the transaction forced Alleman either to proceed to trial or dismiss the indictments. It was this which impelled McCook, seconded by Alleman, to urge upon the President the removal of Belford from the bench.

I have the highest authority for saying, that on a number of occasions Mr. Moffat was approached by parties claiming to represent the District Attorney, with propositions for a compromise. One of these stipulated, or at least significantly suggested, that if within a given time the sum of \$15,000 was forthcoming, the suits would be dropped. It is unnecessary to state that the proposal was rejected. But the overtures were renewed from time to time, the sum demanded



E. P. Weston



being reduced on a descending scale until it got down to the price of a pair of diamond ear-rings.

Col. E. P. Jacobson, a lawyer and politician of considerable prominence, was appointed to assist in the prosecution of the civil suits. They came up again in June, 1875, at Pueblo, but were continued from term to term until December, 1876, when the causes having been transferred to the United States Court, the so-called indictments were quashed and the defendants discharged from the obligations of their recognizances. July 12th, 1878, the civil matters were heard by Judge Dillon, who decided that the entries were fraudulent, but there was nothing to show that the land officers were cognizant of their fraudulent character, nor that they were parties to it. The main point of the decision was, that as the patentees had no existence, in other words, that the names used in the pre-emptions were fictitious, and as no grant or deed could have any effect except there be a grantor capable of making the conveyance, the patents were of no effect whatever, and could not form the basis of any title in Moffat and Carr. This, in effect, canceled all claims and opened the tract to public entry.

In view of the recent agitation on the subject of reservoirs for the storage of water for irrigation, I am impelled to revert to the administration of Governor Elbert, with whom the movement originated in 1873. Though the necessity for increased water supply had not then attained the importance now accorded, it was made the subject of profound study, hence came to be regarded by thinkers as the vital problem in the settlement and development of the country west of the Missouri River. In the interest of united endeavor, Elbert conceived the plan of calling a convention of Governors and other representative men from all the Western States and Territories to meet in Denver for the purpose of taking steps looking to a widely extended system of irrigation, to embrace the entire region where climatic precipitation of moisture was insufficient for the growth of crops. The scheme was very generally indorsed by the persons addressed, and the convention met in this city October 15th, 1873.

The essential features of the movement, as presented in a well considered paper drawn by Governor Elbert, immediately commended themselves to every delegate present. Governor R. A. Furnas of Nebraska was elected chairman of the convention. Delegates attended from the chief agricultural counties of Colorado, from Kansas, Nebraska, New Mexico, Wyoming and Utah, and were addressed by Elbert, Max Clark of Greeley, Henry M. Teller, Judge Belford and others. After lengthy deliberation, a memorial to Congress was prepared, asking that there be granted to the Territories of New Mexico, Arizona, Colorado, Wyoming, Utah, Idaho and Montana, and to the State of Nevada, one-half of all the arid lands, not mineral, within their respective boundaries, said lands or the proceeds thereof, to be devoted to the construction of irrigating canals and reservoirs for the reclamation of such lands; that the construction and maintenance of such canals and reservoirs be placed under the exclusive control and direction of the several States and Territories as sole owners, and that the legislatures be invested with power to make all needful rules and regulations, including the power to provide by law for issuing the bonds of the Territory or State for the construction of said canals and reservoirs. A plan for concerted action was agreed upon and an organization effected, but owing to the political changes heretofore recited, no further conclusion was reached.

The promoters and chief actors in this convention of representative men, thus early forecast the requirements of the future, if the arid regions which they and their contemporaries had settled upon were to be advanced from a state of primitive desolation to the higher plane of populous and productive commonwealths. The theories and plans thus formulated, were, with the exception of the proposed donations and legislative control, substantially the same which, in 1889, by the aid of Congress in providing for a thorough examination of the arid regions by a corps of engineers, are calculated to bring about the establishment of a great system of storage reservoirs, without which the limit of agricultural development in all the Territories and States named must forever

be mainly confined to the comparatively small areas now available. The proposal contained in the memorial of the convention for the donation of one-half the barren lands reclaimed, has since been adopted by the State of Colorado for the reclamation of large tracts of its own arid lands. Many miles of irrigating ditches have been constructed in various sections of the State by private capital, upon the terms named above. This method has been, and will continue to be a source of material wealth to the State. Without water the tracts were worthless. Reclaimed upon the principle of equal division of lands and water, thousands of acres of good tillable soil are rendered available for settlement.

But when Elbert called his convention, and even after its close, there were only a few who thoroughly comprehended the magnitude of the benefits derivable from the consummation of the projected enterprise. A few even went so far as to stigmatize it as a political scheme; others, with rare perspicacity, discovered a speculative venture, whereby the promoters intended to secure the lands, and when watered, dispose of them for their own personal benefit.

Constant assertion for more than a century of the bounty of a government that has invited all the world to come and partake of its opulence of public lands, has been answered by so many millions of industrious people from foreign countries who have come with the conviction that "Uncle Sam was rich enough to give them all a farm," has so absorbed and covered and diminished the enormous areas which the fathers held to be sufficient for all the discontented of other nations, there is scarcely anything left to be offered, except the arid tracts of the "Great American Desert." Hence, of late years it has been found necessary to look to the waste places, and to devise measures for bringing them under cultivation. As it cannot be accomplished by individual effort, the nation is now doing substantially what Elbert's convention of sixteen years ago declared ought to be done, but whose suggestions, if not actually ridiculed as Utopian or worse, were nevertheless set aside, ignored and forgotten. Had the proposition been promptly accepted by Congress, and the same measures which are now

being perfected set on foot in 1873, Colorado, to say nothing of the other regions involved, would to-day have a population of a million instead of less than half that number.

The second administration of Gen. McCook was worse than the first. His intemperate habits and his virulent hostility to the men who had been intimately associated with his predecessor; his persistent endeavors to remove Territorial officers and such of the Federal as were not in hearty accord with his programme, kept the people in a state of unrest, without adequate cause. Those who aided him to regain the position, soon discovered that he had no rewards for them. His faculties were constantly weakened and distorted by excessive indulgence in stimulants, and his moral conduct caused public scandal. It was not long before he stood wholly alone, isolated from the respect of good citizens, and entirely shorn of political influence.

In his message to Congress December 3d, 1873, President Grant recommended the passage of an act to enable the people of Colorado to form a State government, urging that the Territory possessed all the elements of prosperous agricultural and mineral wealth, and he believed, had a population sufficient to justify such admission. In the same connection he recommended the encouragement of a canal, for the purpose of irrigation, from the eastern slope of the Rocky Mountains to the Missouri River. Though opposed to donating public lands for internal improvements, owned and controlled by private corporations, in this instance he would make an exception, because there was an arid belt of public land from three to five hundred miles in width that was perfectly valueless for the occupancy of man, for the want of sufficient rain to insure the development of crops. The proposed irrigating canal would make productive a belt of country as wide as the supply of water could be made to spread over, and would secure a cordon of settlements connecting the present population of the mountain and mining regions with that of the older States. All the land reclaimed would be clear gain, if alternate sections were reclaimed by the government.

This valuable recommendation which, unfortunately for us, fell

upon unheeding ears, was incorporated in his message at the suggestion of Governor Elbert, who sent the President a copy of his speech made to the inter-State convention, together with the memorial adopted.

It may also be well to state that a company was actually formed in 1873 to build a canal from the Cañon of the Platte River to the Missouri, with a capital stock of ten million dollars, but its operations proceeded no farther than the filing of its articles of incorporation.

The attention drawn to our admission as a State by the President's message, soon revived the old frenzy for a constitution. Mr. Chaffee wrote from Washington urging the advantages of both recommendations,—the State and the canal,—and the importance of admission as a remedy for political evils. This, be it remembered, was prior to the great convulsion of January 27th, 1874.

During December two bills were introduced in the lower House, one by Representative McKee, which included a degree from Wyoming, and the other by Mr. Chaffee, retaining the existing boundaries. The first was shelved in committee, the latter passed under circumstances noted hereafter.

About the beginning of September, 1873, rumblings of an approaching financial panic began to be heard. When it came a few weeks later, the great house of Jay Cooke & Co., followed by Fisk, Hatch & Co., and many other prominent firms, went down. The immediate cause was the awful and unprecedented crash of September 24th, known the world over as "Black Friday," an event that was appropriately termed "a massacre in the midst of financial peace." In August the banks of New York, according to the reports, held from \$150,000,000 to \$300,000,000 of gold, which was quoted at 131. In addition, the sub-treasury held upward of \$80,000,000, which, it had been given out, would not be put upon the market. Jay Gould and his co-conspirators were well advised of the situation, and conducted their operations with consummate skill. They bought cautiously here and there, a few millions at advanced quotations. By the 22d of September, they had obtained control of all the gold in the city except that held by

the government, and had raised the price to 141. By Thursday, the 23d, they were prepared to spring their cunningly devised trap upon the Gold Exchange. From an account published immediately after the revelation of the principal details of this extraordinary transaction, which plunged the entire country into financial chaos, bankrupted thousands, and brought about an epoch of hard times extending over six years, we find that the clique had loaned prior to the 24th (Friday), immense sums at 138.

“The original plan was to make a sudden and peremptory call for the return of the gold, then lock it up and force the bears to settle by buying in under the rule. The Tenth National Bank was to be used to shift the immense sums, but the appearance of the bank examiner put a stop to it. The next movement was to send gold up swiftly for the purpose of frightening the bears into immediate settlement. As it was, the bank officials agreed to certify to an unlimited extent, night and day. On Thursday, 23d, it did certify checks amounting to twenty-five millions, and on Friday, notwithstanding the presence of the examiner, to fourteen millions additional. All this time an army of holders in the employ of Gould and his confederates, were buying up all the gold that was offered and using their best efforts to drive the price up to 160, and higher if possible. These efforts were more than successful. Gold mounted to 160, and for an instant touched 165. This was a harvest time for the clique, and while some of his agents were thus keeping up the price by bowling bids for millions at 160, Gould was unloading through a dozen different brokers at far lower figures, but yet at an immense profit to himself. He had, however, pushed the price too far, and when the news came that Secretary Boutwell would sell \$4,000,000 of gold, the price fell even more suddenly than it had risen, and general ruin and utter confusion fell upon Wall Street, to a certain extent involving those who had been chiefly instrumental in producing it. Down, down, went the falsely bolstered price. The day was the blackest that ever set in Wall Street. Men knew not where they stood. The confusion and madness were so great that it was supposed that all the

clique had gone down. Of the times that followed it is impossible to give an idea. There was a run on the Tenth National Bank next day and a million drawn out. The Gold Clearing House kept fourteen millions inextricably locked up. The five hundred millions of clearings demanded in one day of the bank dizzied its incapacity. Gould had not yet done his work. When it became publicly known that only the account of his firm was needed to finish the clearances for Black Friday, and when upon that account fortunes were pending hourly, Gould telegraphed from his barracks at the Opera House, whither he had fled for safety, and where he was guarded from the mob by the police, not to send it down. The bank went into the hands of a receiver. Then came a crash. Four firms were declared suspended. Then a rumor came that Lockwood & Co., Vanderbilt's brokers, had gone under, the strongest house on the street. The firm actually went down, but Vanderbilt poured in millions and saved it. On Saturday, October 1st, Gould began his clearances, and not till then. The delay of the clique in settling was accountable for the terrible wear and tear of the week that followed 'Black Friday.'"

Few of the living generation that passed through or were stricken by the fearful consequences of this monstrous crime, will ever forget the appalling wreck and ruin created by a handful of intriguers, led by the man who subsequently became the financial dictator of all the country save the United States Treasury. That, thanks to the wisdom and integrity of its managers, has never been touched by his blighting hand, but is about the only institution which has not at one time or another, or in some form, felt the effect of his Satanic power.

The foregoing epitome of Black Friday is given as a fitting prelude to certain interesting incidents associated with the general crash that followed. During the period mentioned, myself and wife were the guests of Mr. Moffat, then cashier of the First National Bank, at his home situated on Lawrence Street, between Fifteenth and Sixteenth. When the intelligence of the sweeping disasters throughout the country began to be received, it was seen that sooner or later the banks of Denver would

probably be raided by alarmed depositors, and their managers knew they were not then in a condition to withstand a heavy run. While each had currency enough in its vaults for all ordinary purposes of business, their reserves were insufficient to meet all the demands of a sudden and frenzied call. The newspapers were filled with dispatches from the seaboard and from all parts of the Union, reciting the terrible effects of the panic, of the failures of banks, commercial and manufacturing firms, that were going down by scores and hundreds, of frantic runs upon all financial institutions, etc. A great many private telegrams from New York indicating the magnitude of the disaster, were shown to me by Mr. Moffat. While there was no such excitement here as prevailed in the East, some large depositors were quietly withdrawing their funds from the banks in anticipation of drafts that would exhaust their resources. While Mr. Moffat realized the gravity of the situation, he manifested no alarm, yet there was a feeling that public apprehension might at any time cause a sudden and overwhelming rush that could not be withstood. One evening after dark when the reports of the fearful storm were at their worst, he explained to me the exact status of every bank in Denver. While the First National held large quantities of gold and silver bullion, it was of no more value in this emergency than so much pig iron. Currency was what they needed, and must have at any reasonable sacrifice, and as every bank in the Union felt the same necessity, it was well nigh impossible to procure sufficient paper money to cover their daily needs. United States bonds of the most desirable issues were as so much waste paper. But Luther Kountze had, at considerable sacrifice converted enough of these securities into currency to carry the Colorado National through, and Mr. Chaffee, then in New York, had done the same for the First National. The currency thus provided was en route to Denver by express, but the time between New York and Colorado was five to six days, an eternity to those in momentary expectation of an assault, and whose anxiety deepened with every passing hour. They knew that accidents might occur to delay the precious consignments, and in the nervous strain imagined a thousand causes of detention. At a

private consultation, Mr. Moffat, Mr. Kountze and others, after considering all contingencies, decided that if a plunge was made at either bank, all would instantly close their doors, await the arrival of their funds, then reopen and meet every demand as it should come. Said Mr. Moffat, "If the associated press dispatches to the leading papers, relating to the effects of the panic and the ruin wrought can be suppressed for a few days until our currency arrives, there will be no financial distress in Denver. It would save the city and Territory. If we are compelled to close, you can readily see what the consequences will be." I agreed to visit the newspaper offices and present the matter to them as he had given it to me, and immediately started on the errand. The proposition to suppress and destroy matter which is always most valuable to a public journal, when advanced was met by Mr. Byers of the "News" and the manager of the "Tribune," with this indignant inquiry: "Do you comprehend the extent of the deception you ask us to perpetrate on the public? to suppress intelligence which every reader is most anxious to see; keep the people in ignorance for three or four days of the most striking events in the history of the country? We cannot do it, sir. It would be fatal to us as publishers; much can be done in a newspaper office which the public need not know, but telegrams of importance such as we are receiving by columns hot from the great centers of information, cannot be thrown into the waste basket and the secret hidden." I then entered upon a full explanation of the case, the heroic effort the banks were making to prevent a financial and commercial crash in Colorado, for if it struck Denver its breakers would inevitably sweep over the Territory causing widespread calamities, arguing that it was better to cut out the more alarming dispatches for the reasons given, than by their publication bring a long procession of failures, from the effects of which it would take years to recover. Colorado was not then in a condition to endure even a temporary obstruction of established business. It was weak and feeble, just entering upon systematic development after years of depression. The sudden stoppage of needed supplies would have plunged it back into confusion, entailing vast damage to every interest.

At length, after much argument, the editors assented to the proposal, and the dispatches were set aside. The funds expected by the banks arrived on time, a gigantic burden was lifted from the managers, and they experienced feelings of hope and joy that now every obligation could be met in full. This incident unquestionably saved Denver and the Territory from many of the catastrophes which befell other cities and States to the eastward.

CHAPTER IX.

HAYDEN'S GEOLOGICAL SURVEYS IN THE WEST—TREATY WITH UTE INDIANS—SURRENDER OF THE SAN JUAN MINING REGION—MESSAGE OF CHIEF OURAY TO GOVERNOR ELBERT—BAKER'S EXPEDITION AND HIS THRILLING ADVENTURES—LATER EXPLORATIONS FROM ARIZONA—SETTLEMENT OF THE SAN JUAN COUNTRY IN 1872—FOUNDING OF LAKE CITY.

In our first volume, pages 454 and 468, brief reference was made to the preliminary geological surveys of the Western Territories by Prof. F. V. Hayden. Very extended examinations occurred in the succeeding years, resulting in the publication by the general government, of several volumes of useful information, which led to the exploration and development of many rich mineral-bearing sections until then wholly unknown, or but crudely defined. The U. S. Geological Survey, now so important a branch of government work, appears to have been primarily established in the spring of 1867, and was the outgrowth of the strong personal interest taken by delegate,—afterward Senator,—Hitchcock of Nebraska, who secured the appropriation by Congress, of the unexpended balance of about five thousand dollars of the appropriation for legislative expenses left over at the time of the admission of that Territory into the Union, to aid in defraying the cost of a geological survey of Nebraska. The young and already eminent geologist, Dr. F. V. Hayden, was made chief director under the act. During the year 1867, a general examination of that Territory had been made, and a report furnished the General Land office at Washington, which was incorporated in its next ensuing report. In the spring of 1868, Congress appropriated a like sum for continuing the survey, and extending it into Wyoming. The year following, the amount was

doubled for the further extension of the investigations under the direction of the Secretary of the Interior, to embrace Colorado and New Mexico. The area was too great, however, for anything more than a hasty observation of the chief points. Reports of all this work were rendered, covering the meteorology, agriculture, zoology and palæontology of this region and a large edition published, which, owing to the great demand for copies, was soon exhausted. In 1870 the appropriation was increased to \$25,000 and a more accurate examination of Wyoming made by a corps of skilled assistants. In 1871 a careful survey of the Yellowstone was undertaken, and an exceedingly interesting account given of the geysers and other marvelous natural features of that region, which excited the liveliest interest in Europe and the United States, and induced Congress to appropriate the whole area, comprising 3,575 square miles, as a National Park. Within a few months from the date of its publication, this report, or much of it, had been translated into German, and extracts were printed in many languages. In the summer of 1872, the survey was extended further into that Territory, organized into two corps, each provided with a topographer, geologist, mineralogist, meteorologist and naturalist.

In the spring of 1873 the survey was reorganized by act of Congress as the "United States Geological and Geographical Survey of the Territories," with Mr. J. T. Gardner as geographer, when the operations were extended to Idaho and Montana. In 1873, Colorado and Utah were more fully investigated, and on its completion in 1876, an area of about seventy thousand square miles had been included in the survey. Said one who accompanied some of these expeditions,—“The scientific results of major importance were the geological features of the reports, the delineation of the boundaries of the cretaceous and tertiary seas and lakes that occupied many of the great basins west of the Missouri, and the very extensive collection of fossil vertebrates gathered from them. Over an area of many hundred thousand square miles there were found beds of great extent and thickness of all ages from the Trias onward, containing the well preserved remains of so great a multitude

of flying, creeping and walking things referable to so many orders of plants and animals, and often of such gigantic proportions, that the palæontologists of the States with their immense museums, were overcrowded with them."

The publication and wide distribution of Hayden's reports, though many of his earlier conclusions have since been overturned or modified by more minute examination in some of the States and Territories, attracted universal attention among the scientific schools, and were in active demand among the miners and prospectors of the regions treated. They were placed in all the scientific libraries of America and Europe, where Hayden was highly honored for his learning, the patience and skill with which his explorations had been conducted, and the grand results achieved in revealing the hidden wonders of this portion of the American continent, which, until then, had been a sealed book to all except the tireless miner and prospector; and even to them, until he came to their aid with the light of his deeper knowledge and pointed the way to the more valuable secrets of nature.

In 1872, a government commission consisting of Hon. John D. Long, Gen. John McDonald and Governor E. M. McCook, was appointed, under a resolution of Congress introduced by Mr. Chaffee, with instructions to negotiate a treaty with the Ute Indians for a reduction of their immense reservation in the southwestern division of the Territory, and covering the rich mineral-bearing section known under the general term of the "San Juan country." This extensive grant had been ceded to the Indians under a treaty negotiated by Ex-Governor Hunt in 1868, and embraced an area nearly three hundred miles long by two hundred in width, adjoining New Mexico on the south and Utah on the west, a large portion mountainous, where a great number of gold and silver mines had been found and located, and a numerous white population established. The commissioners were authorized to conclude the treaty, for the reason that, according to representations, the rapid influx of miners must sooner or later produce a conflict between the races, unless measures were taken to adjust the

relative rights of both upon the portion wherein valuable mines had been discovered. The savages, knowing these men to be trespassers upon their lands, opposed their incursions, yet under the advice of their grand old Chief Ouray, who fully comprehended the nature of the case, they were restrained from violent demonstrations. He realized that they could have no use for the mountainous portion, except as a hunting ground, and very little game ever made its way into those solitudes. But the valleys they could cultivate, and these the miners did not covet.

The commission came to Denver, went south to Fort Garland and thence to the Los Pinos agency beyond the San Juan Mountains. They brought with them a large quantity of goods to be distributed as inducements to favorable action. The terms proposed to the Indians were unsatisfactory to them, and after a long time spent in endeavors to overcome their objections, without effect, the councils terminated in September with nothing accomplished.

On the 19th of September, 1873, Felix Brunot, chairman of the Peace Commission, came out to exert his influence toward the conclusion of a treaty. Conferences had been going on for some time. The council embraced delegations from the Capote, Muache, Winne-muche, Tabeguache, White River and Uintah bands. At the outset the Indians were averse to surrendering any portion of their reservation. Ouray presided, on behalf of his people. Personally he expressed no objection to yielding the mining region, but under no circumstances would he give up the agricultural valleys. In due time, after much argument and a distinct understanding of all the terms, the Indians agreed to the cession, upon certain conditions, of all that portion from the eastern line of the reservation to within a few miles of the San Miguel River, covering a section sixty miles wide by seventy-five in length, which included the principal mines. Even after this concession there still remained to them 15,577,120 acres.

After the treaty had been executed and harmonious relations established, Ouray dictated to Felix Brunot the following message to be delivered to Governor Elbert at Denver, for whom he entertained high

regard, and with whom he had conversed freely upon matters relating to his tribe. Said he :

“We want you should tell Governor Elbert and the people in the Territory, that we are well pleased and perfectly satisfied with everything that has been done. Perhaps some of the people will not like it because we did not wish to sell our valley and farming lands, but we think we had good reasons for not doing so. We expect to occupy them ourselves before long for farming and stock raising. About eighty of our tribe are now raising corn and wheat, and we know not how soon we shall have to depend on ourselves for our bread. We do not want to sell our valley and farming lands for another reason. We know if we should the whites would go on them, build their cabins and drive in their stock, which would of course stray upon our lands, and then the whites themselves would crowd upon us till there would be trouble. We have many friends among the people, and want to live at peace and on good terms with them, and we feel that it would be better for all parties for a mountain range to be between us. We are perfectly willing to sell our mountain lands, and hope the miners will find heaps of gold and silver. We have no wish to molest or make them any trouble. We do not want they should go down into our valleys, however, and kill or scare away our game. We expect there will be much talk among the people and in the papers, about what we have done, and we hope you will let the people know how we feel about it.

Truly your friend,
OURAY.”

To advise the people of the great chief's desires, and to give the fullest expose of his reasons for acceding to the modified terms of the treaty, the Governor published the letter. But the distinguished leader of all the Ute nation, whose life and character, with an outline of the service he rendered to our people on numberless occasions, we shall present at the proper time, had no need of any further or more elaborate explanation of his acts. The people even thus early had learned his worth, ability, honesty and broad enlightenment upon the relations existing between his dusky warriors and the immigrants who were absorbing the country. He said to the Governor on one occasion, in substance : “I realize the ultimate destiny of my people. They will be extirpated by the race that overruns, occupies and holds our hunting grounds, and whose numbers and force, with the government and the millions behind it, will in a few years remove the last trace of our blood

that remains. We shall fall as the leaves from the trees when the frosts of winter come, and the lands which we have roamed over by countless generations will be given up to the miner and the plowshare. In the place of our humble tepees, the white man's towns and cities will appear, and we shall be buried out of sight beneath the avalanche of the new civilization. This is the destiny of my people. My part is to protect them and yours, as far as I can, from violence and bloodshed while I live, and to bring both into friendly relations, so that they may be at peace with one another." The treaty thus negotiated was ratified by the Senate, April 22d, 1874.

The account subjoined, of the earliest explorations of the San Juan mining region, is taken from notes collected in 1876 by Mr. William N. Byers, while traveling among its mountains and valleys, who obtained the particulars from the surviving members of the famous Baker expedition. Since this is the only authentic account of which we have knowledge, and as at this late day when nearly all have disappeared, it would be extremely difficult, if not wholly impossible, to secure a more complete and accurate narrative, it is reproduced as a proper introduction to the later annals of that now populous and prosperous section of our State.

The early explorations of what is now the "San Juan country," were attended with more hazard, and the story is surrounded by more romance, perhaps, than attaches to the development of any other portion of the State. Its first exploration is generally credited to Captain Baker. The true story of the Baker expedition is about as follows, as gleaned mainly from S. B. Kellogg of Lake City. The history of the settlement in the Animas Valley is from Mrs. Thomas Pollock.

In 1860 California Gulch was swarming with placer miners; among them were S. B. Kellogg & Co., who owned some of the rich ground and took out large amounts of gold, and Charles Baker, a restless, adventurous, impecunious man who was always in search of something new. He entertained extravagant opinions of the richness of the country beyond, and at last prevailed upon Mr. Kellogg and F. R. Rice to outfit him for a prospecting expedition. He set out in July, 1860, to explore

the San Juan country,—meaning the country along the San Juan River. Six men went with him, of whom three were Cunningham, Bloomfield and Mason. The names of the others are forgotten. Baker reported to Kellogg from time to time, and finally that they had found diggings which paid twenty-five cents to the pan. In the fall Kellogg went to the States for his family, and returned to Denver with them in November. On the 14th of December, 1860, they left Denver to join Baker, accompanied and followed by others, their party ranging at different times on the journey all the way from one hundred to three hundred persons. Among them were S. B. Kellogg, Henry Allen, Thomas Pollock, F. R. Rice, F. A. Nye, Mr. Heywood, Mr. Cunningham, and their families; Andrew Peedee, B. H. Eaton, C. L. Hall, Mr. Arnold, Abner French, William Williams, and many others whose names cannot be recalled. They traveled south by way of Colorado City and Pueblo, crossing the Sangre de Cristo Mountains through Sangre de Cristo Pass. Here they suffered greatly from inclement weather and the difficulties of travel. Roads had to be built, and there was no feed for their stock except that obtained by cutting down trees for them to browse upon. They were fourteen days crossing the mountains. After getting down into San Luis Park, they were overtaken by a terrific storm of wind and snow that scattered their stock and caused intense suffering to many of the people. Wagon boxes and other property were burned for fuel. On the 4th of March they passed Conejos and traveled thence via Abiqui, Chama River and Pagosa Springs. April 1st they reached Cascade Creek, a branch of the Animas River about twenty-five miles south of where Silverton was subsequently located, where they went into camp. Kellogg and several others went in search of Baker and found him and his party in Baker's Park, now Silverton. They were living in brush shanties where they had wintered. Their diggings were nine miles up the river, at the point later known as Eureka. They had cut out lumber with whip-saws and made some sluices, but had collected very little gold. A thorough trial for weeks after proved that the diggings would not

pay for working, the best returns never exceeding fifty cents per day to the man.

Men passed back and forth constantly between the camp at Cascade Creek and Baker's Park. Kellogg, Baker and Rice explored the country east, north and west, passing over the high mountains to the headwaters of the Gunnison, Uncompahgre and San Miguel Rivers, prospecting all their head tributaries and gulches, but they were searching only for gulch, or placer gold diggings, knowing nothing about lodes or quartz veins.

About the 1st of May the camp at Cascade Creek was broken up, and they moved down the Animas River to where the valley or park opens out and becomes fertile, where they laid out a town and built a great number of cabins, naming the place "Animas City." Exploring and prospecting were actively continued, but without satisfactory results. Dissatisfaction ensued. Baker was severely censured as the cause of all their misfortunes, trials and suffering, and there was strong talk of wreaking vengeance upon him, but better counsels prevailed. Baker was, in fact no miner, and the glowing accounts of rich finds he sent out were entirely upon the reports of others with him. Yet Baker as the captain of the party, was held accountable for these false reports.

On the 4th of July, 1861, Animas City was abandoned by nearly all its people, who set out to find their way back to a civilized country. Pollock remained until fall. He had taken from Denver eleven wagons loaded with provisions and goods, and nearly a hundred head of oxen, mules and horses. There was no money among the adventurers, and he had to feed many of them. When they reached the Animas Valley the Utes flocked around them and threatened hostilities, which were averted only by Pollock's furnishing them such provisions and goods as they demanded. In exchange, however, he purchased four Navajo children who were held as captives, and for whom he gave \$1,500 worth of goods. When his stock became exhausted Pollock set out for Santa Fé for another supply, and was absent two months. On his return, war had broken out between the Mexicans and Utes, which

impelled him to turn the train back, he finally making his way through to Animas City alone. Of the white settlers, only his wife and an invallided prospector remained, and they were surrounded by a camp of Ute Indians. Soon after the savages warned all the white people out of the country. Pollock and his wife took the direction of Denver, where they arrived in September. Baker, Peedee, with a few others, remained at Eureka Gulch until late in the fall, when they passed out to Fort Garland, where they received the first intelligence that had come to them of the War of the Rebellion. Baker at once started for his native State, Virginia, where he entered the Confederate army and served during the war.

Meanwhile, during the summer of 1861, so eventful to this little band of men, women and children, who were huddled together in the distant wilderness on the banks of the Animas, surrounded by hostile Indians, and often suffering the pangs of hunger, most exaggerated reports of their discoveries were finding their way back to the mining camps of the Upper Arkansas and the South Park, and thence all through the country, growing as they traveled. One stampede followed another, until hundreds of men were scattered all through the mountains and valleys of Southwestern Colorado. Between the 5th and 10th of July several hundred men left California Gulch alone, stealing away by night, one party followed by another, in the belief that the leaders had secret information of Baker's fabulous discoveries of gold. Many of them never crossed the mountains, but winter caught hundreds scattered through that inhospitable region. All through the fall and winter they came straggling in to the military posts, and to the towns and settlements of New Mexico and Colorado. Some were almost naked, or clothed in the skins of animals; others nearly starved, and doubtless never returned at all, perishing by the wayside.

In the summer of 1868 Charles Baker again returned to Colorado, camping for a short time on the Upper Arkansas, near the mouth of Chalk Creek. With several other men he started south from there, and wandered through the mountains of the Gunnison, Animas, San

Juan and La Plata Rivers, prospecting. Their numbers dwindled down until only Baker, with a man named White, and a third whose name is forgotten, remained together. They had reached the Colorado River of the West at a point not far from the mouth of the Colorado Chiquito, (Little Colorado) in the Great Cañon. The Indians had followed and harassed them constantly, and they were reduced almost to the last extremity. On the river bank where they had clambered down to the water, there was a quantity of driftwood, from which they constructed a raft upon which they intended to risk their lives and float down the turbulent and dangerous stream. All was ready for the start, when a volley poured down upon them from the cliffs. Baker fell, crying out to his companions, "Boys, I'm killed! look out for yourselves." White and the other man sprang upon the raft and cut the thongs that held it to the shore. Soon they were plunging madly over the falls and shooting through the boiling rapids of that tempestuous torrent. White tied himself to the raft and urged his companion to do likewise, but the warning was unheeded, and eventually he was swept away and drowned. Days after, White and the death raft were discovered floating on the river below the cañon, in Southwestern Utah. He was unbound and taken off, almost dead. In time he recovered, when his story found its way into the newspapers, only to be ridiculed and discredited. In May, 1877, White was in Lake City (Colorado) and later took up his residence somewhere,—precise locality unknown,—in the southern part of the State. He was then about thirty-five years of age, a plain, matter-of-fact, practical and adventurous man. There is not a shadow of doubt about his wonderful adventures and his marvelous escape through the awful cañons of the Colorado.

Such was the untimely end of Capt. Baker, who has been credited with much romantic heroism, but really accomplished very little; who has also been censured for much of the sorrow and suffering that befell his associates, was threatened with shooting and hanging for leading men upon "fool's errands," but actually never intentionally deceived any one.

Tom Pollock, one of the principal actors in this dramatic chapter of chronicles, died in the Animas Valley in the month of August, 1877. Of the Navajo children he rescued from the Ute Indians, one, a girl, was adopted by a German family in New Mexico, and at last accounts was still living with them; another girl was adopted by Col. Pffieffer, and murdered with the rest of his family by Indians at Pagosa Springs, some years ago; a boy was taken by R. E. Whitsitt of Denver, who endeavored to raise and educate him, but he passed away a few years afterward. The fourth, named John Pollock, was raised by Pollock.

Many of the people who were members of the Animas Colony in 1861, are yet living in Colorado, and a few are in Denver.

After the fruitless expeditions of Capt. Baker, and those who followed him in 1860 and 1861, the San Juan country was left to its primeval solitude for a number of years. They had searched only for gulch or gold placer diggings, and there is no evidence yet to prove that their work was not thoroughly done. At that time but few of the Colorado prospectors knew anything about mineral veins, and silver deposits were unsuspected. Small parties like that of Baker in 1868, no doubt wandered through the mountains to the southwest, but they found nothing to satisfy themselves or excite the public, hence their explorations attracted no serious attention.

The next exploration to that distant and almost inaccessible region, that was well planned and systematically prosecuted, occurred in 1869, and strangely enough, it started from the opposite direction. It was composed of brave and determined men, from whose discoveries have grown the splendid developments now witnessed in that highly productive section of our State.

On the first day of August, 1869, a party of twenty-two prospectors and miners was organized at Prescott, Arizona, with Calvin Jackson for leader and captain. Jackson was a Californian with a varied and adventurous experience,—conspicuously in Indian warfare, which was fortunate, as many conflicts of this kind were to be met in the course of their travels. The party expected to join Capt. Cooley's expedition, a similar company

of twenty-eight men that had been organized at Forts Goodwin and Reno, in Arizona, for the same purpose. The latter party was supposed to be on its way to Rio del Sal (Salt River), in Northeastern Arizona. The Jackson expedition marched out from Prescott and reached Fort Reno in a week, having had several skirmishes with Apache Indians en route. At Reno they found Col. Sanford of the United States Army,—then in command of Fort McDowell,—with three hundred cavalry in search of the Cooley party. Scouts were sent out in all directions, and in a few days Cooley and his men were found on Salt River, where Jackson joined them. The military then returned to their post.

The prospectors now numbered fifty men, well mounted and equipped, and armed with breech-loading guns and revolvers. The command was shared equally by Jackson and Cooley, who were alike devoted to the common good of their respective companies. Hostile Indians swarmed over the country, intent upon preventing the white men from effecting a lodgment in their favorite hunting grounds. At night signal fires were seen on the lofty mountain peaks; during the day columns of smoke exchanged messages between the savage bands. Alarms and surprises were constant and wearing. A third of the force was required to guard the camps, as many more to care for and protect the stock, while the remainder were prospecting and exploring, though never daring to stray very far from the others.

Near their camp in a small ravine, ran a little stream which they named Cherry Creek, in memory of that which traverses Denver. Along this creek the party made its first venture. The cañon was narrow, its sides precipitous. They had proceeded some distance toward its head and settled down to work, when a few minutes later the mountain slopes above them, that had hitherto been as silent as the tomb, suddenly swarmed with Apaches who began hurling rocks down upon the little band of miners. The Indians were beyond the range of fire-arms, sheltered and hidden by great rocks and bushes. With an inexhaustible supply of primitive ammunition at hand, they completely commanded the situation. There was no alternative left the miners but

to abandon the work and escape to their camp, which was accomplished without injury to any one. There a council was held, at which it was agreed that the party was not strong enough to maintain itself and carry out its objects. All but eight resolved to turn back, and soon did so. The eight who decided to fight it out on that line at all hazards and establish their right to search for gold, were Adnah French, J. C. Dunn, Dempsey Reese, N. Marsh, David Ring, Wood Dood, A. Loomis and —Graves (the latter known as "Old Boston"), all of whom had been personally acquainted before leaving Prescott. French had been a member of the Baker expedition in 1860-'61, and under his advice and leadership, the seven others decided to proceed if possible, to South-western Colorado. Negotiations were opened by them with the Coyotero band of Apaches, who had grown tired of war. Their chief, Miguel, was inclined to be friendly, and the result of the negotiation was a treaty, by the terms of which the white men were to be permitted to travel as rapidly as possible across the country, without stopping to dig holes in the ground or search for gold in any way. In return, Capt. French was to use his influence with the "Great Father" at Washington in behalf of the Coyoteros, for their good. An escort of nine braves was furnished them, and the little band of eight white men turned their faces northward.

By the others their undertaking was regarded as foolhardy in the extreme. Every argument was employed to dissuade them, but without effect. The main party soon after returned by way of the Pinal Mountains to Prescott, where it disbanded. Some months later, Cooley joined the eight seceders at Tierra Amarilla, on the waters of the Upper Rio Grande.

The first night's encampment of the French party was on a stream called Carissa, in the midst of a great number of Indians who were engaged in a drunken revel. The liquor they drank was called *tswin*, made from corn and vegetable roots. They were holding war dances, decked out in all the savage finery of war paint, feathers and war dresses, whooping and shouting like fiends, and making the mountains

echo and re-echo with their hideous yells. Consequently our adventurers passed a sleepless and anxious night. The following day the escort, for some unexplained reason, refused to proceed, but on the next an early start was made, followed by a long march through a hilly country which brought them to the camp of a young Coyotero chief named Juaro (Wah-ro) with a small band of followers. He was much surprised at their appearance, but treated them hospitably; sent their horses out to graze; supplied fresh venison, and assigned them a place to eat and sleep. They stopped here a short time, and when the march was resumed, Juaro and his band accompanied them. During the day they came among some antelope, when Juaro put on his hunting dress, and taking Reese's rifle, in a short time killed five of the fleet-footed animals. In the afternoon they crossed several large and fresh Indian trails which caused them much anxiety, but the young chief assured them there was no danger,—that he would protect them at the cost of his own life, if necessary. They traveled in this manner for several days, without serious adventure, but with frequent new causes of alarm. At length they ventured to talk with Juaro about the object of their journey, and inquired if he knew where gold could be found. He replied that he did, but dared not reveal such knowledge, because if he did, his life would be taken by his own people.

Several long night marches ensued for want of water, that taxed the strength of men and animals to the utmost. One morning after the severest of all their nocturnal rides, as they were building fires to cook breakfast, a large party of Indians armed with guns, swept down upon them, creating the greatest alarm, but the presence of their dusky escort disarmed hostile intent, and the white men explained that they only came to trade. In the evening they reached one of the Zuni villages, where they were most hospitably treated, and there rested for some time.

They found the Zunis to be a peaceful, industrious, agricultural people, whose proudest boast was that none of their race had ever shed the blood of a white man. The party remained at this village several

days, trading their jaded and worn out animals for fresh stock, and being treated generously wherever they went among the several villages of the tribe, without expense.

The next camp was at Fort Wingate, where a stay of a week was made, and a fresh stock of provisions procured. Thus happily recuperated and reinforced with supplies, and filled with renewed hopes, they pushed on toward the San Juan River, via Fort Defiance, at which point there were great numbers of Navajo Indians, who at that time were friendly. From Defiance to the San Juan River they proceeded leisurely, passing through the country of the Navajos who evinced no hostile demonstrations, but Indian like, made many attempts to steal their stock. Arriving at the San Juan they found a delightful region, apparently well adapted to agriculture and grazing. Soon afterward they were pursued by a band of renegade Indians, well mounted and armed, who made numerous hostile demonstrations, but gained no advantage.

Following up the river they arrived at a stream which French recognized as the Rio Mancos, one of the principal tributaries of the San Juan. Unlike most of the streams in Southwestern Colorado, it has no valley to speak of, until the forks at the foot of the range are reached. Here there is a valley, or park of several thousand acres, covered with a luxuriant growth of grass, wild oats and rye. From this park they pursued a northerly direction, across a pine-covered mesa or tableland, twenty-five miles to the Dolores River.

It was now the second week in October, and having traversed a well grassed country, their animals were in excellent condition. Their provisions had held out well, as fish in the numerous streams they passed were very abundant. Just as they approached the mineral region, the goal of their ambition, and for which they had endured so many hardships and encountered so many dangers, they went into camp one delightful October evening, and after supper lay down under the clear starlit sky. Next morning they awoke to find themselves covered with twelve inches of snow which had fallen during the night. The

storm prevailed for five days, when French ordered a retreat to a lower altitude. Dry wood and grass were buried out of sight, therefore to avoid starvation and loss of animals, this step became a matter of necessity. When the party set out from Arizona they were provided only with such clothing and blankets as were necessary in that warm climate, hence, being unprepared for such severe weather they suffered intensely from the cold. The direction of their retreat was south, across the Dolores Range, shoveling their way through the drifting snow. They reached the valley of the Animas, a distance of about sixty miles, in the course of ten days of hard work and most laborious travel, entering it within a short distance of the old Animas City, where they found a number of buildings that had been erected by the Kellogg-Pollock expedition of 1861, in good preservation. Here they remained some time resting, recruiting their animals, hunting and fishing. At length their supplies began to run short, when it was resolved to go down to Santa Fé for a new outfit and provisions for the next season. At Abiquiu most of the party remained during the winter. French and Dunn proceeded to Santa Fé, where they interested Governor Pile, E. W. Little and others in the project of thoroughly prospecting the San Juan country. They procured supplies, tools, ammunition and so forth, and a couple of weeks later returned to Abiquiu, where they found a council of Ute chiefs who had heard of the expedition and had followed its trail to the valley. An Indian agent, Major Henson of the United States Army was there also, and used his best endeavors in behalf of the prospectors. Ignacio and Sopatah, with other chiefs, composed the council. They objected to prospecting in the country, but finally gave permission to dig for gold and silver, provided they would not plow up the ground, build cabins nor make fences, and furthermore, they were never to forget that the country belonged to them—the Utes.

The council having terminated, the prospectors went to Tierra Amarilla, and encamped for the remainder of the winter in some abandoned government buildings at that place. Before spring their

numbers were increased to twelve, by the addition of C. E. Cooley, who assisted in leading the expedition in the beginning, with three Scotchmen from Montana, Thornton, Robinson, and another whose name has been forgotten.

In April, 1870, they started again for the San Juan region, traveling together until they reached the Animas. There French, Reese and Cooley turned up the river through the cañon to Baker's Park, prospecting at several points, and finally discovering the famous "Little Giant" and "Mountaineer" mines. They returned to Santa Fé the following winter by way of Animas City and Tierra Amarilla. The larger party, in which were Dunn, Ring, Marsh, Graves and the three Scotchmen, followed the trail made the previous season to the Dolores, where they prospected under great difficulties; made some locations of galena lodes, and then returned to Santa Fé in the fall for supplies and means to develop the mines they had discovered. They were unsuccessful in this venture, and a majority of the party the next season (1871) settled on the Animas about Baker's Park,—now Silverton,—where they continued to reside for years afterward.

Such is the graphic but simple story of the two great expeditions into the mountains of the San Juan, which, though fruitless to the discoverers of the mines, led in a few years after 1871 to the opening of vast stores of mineral wealth, and the establishment of many beautiful and industrious centers that are now pouring their treasures of gold and silver into the channels of commerce.

In 1872 hundreds of emigrants, attracted by the reports of valuable discoveries, began to pour into the region, and in 1873 a number of mining districts were organized. During this year the mining sections were occupied by three or four hundred prospectors and miners. Between two and three thousand locations of claims were made upon veins or lodes discovered, though but little development occurred in any direction. In 1874, after a long and severe winter, the extent and value of the lodes began to be made known. Some of the ores extracted proved very rich in silver, as demonstrated by assays and other

well known processes for testing. At this time the nearest postoffice was at Del Norte, about one hundred and twenty-five miles distant. All supplies, merchandise, stores, etc., had to be carried in upon the backs of pack animals, over rude and frequently dangerous trails, for there were no roads. The counties subsequently organized, embracing the mineral regions, are Rio Grande, San Juan, Hinsdale, Ouray, Dolores and San Miguel, and include the sources of the Rio Grande, the Animas, Gunnison, Dolores, San Miguel and Uncompahgre Rivers. The general altitude is the highest in Colorado. There are nine peaks which rise to the height of 14,000 feet and many that are above 13,000 feet. Lake City, Silverton and Ouray form the corners of a triangle, with a stately mountain known as "Hurricane Peak," in the center.

Baker's Park is a picturesque valley of limited extent, in which stands the pretty town of Silverton, the capital of the principal mining division, watered by the Rio Las Animas, which flows through the park. The old town of Howardsville is situated about four miles above. Hayden's reports say the mountains are all of volcanic origin, being trachytic, with schists appearing beneath in some cases, and in the faces of the almost perpendicular walls of rock that everywhere rise twelve hundred to fifteen hundred feet above, may be traced dozens of quartz veins bearing gold and silver.

Capt. Moss, with a party of Californians, in 1874 built a ditch on the La Plata River, to facilitate the working of gold placers located there, but which were never very productive. Gold, silver, copper and iron ores were discovered, with coal measures which are well described by Mr. Hills in the second chapter of this volume. Parrott City, of ephemeral renown, was founded a mile south, toward the mouth of La Plata Cañon. The lower Animas Valley is a beautiful and productive region, and its climate is unsurpassed by any other section of Colorado. Its chief town, Hermosa, which has advanced but little, is situate upon Hermosa Creek. Another town, christened for Governor Elbert, was built at a point four miles north, in a forest of pine timber.

Hinsdale County was organized in 1875, and Lake City, its capital, founded in the same year. Its first Board of County Commissioners consisted of Harry Franklin, Theodore Taylor and A. R. Thompson. County Clerk, W. H. Green; Treasurer, B. F. Jones; Sheriff, James Sweeney. The first town officers of Lake City were Henry Finley, President; M. E. Dawn, Clerk, with Joel N. Angine, A. R. Thompson, Enos Hotchkiss, A. Dole, W. C. Lewman, and C. Bartholf, Trustees.

Like most of the new towns and camps in the mountains, the discovery of mineral in that section was more or less the result of accident, which was thus related by a correspondent in 1876. In the summer of 1874, Saguache, then a town, but recently founded, had lofty aspirations, and its inhabitants were ambitious to strike out for all the trade within reach. Otto Mears, the great road builder of the Southwest, to whom that entire country is mainly indebted for the greater part of its best and most direct thoroughfares, a man of tireless energy and constantly engaged in schemes of public improvement, was among the first to settle there. But of this hereafter. At the period named, the principal men of Saguache with the view of penetrating and capturing the growing trade of the San Juan, then a source of great revenue and prestige to its rival Del Norte, formed a company to build a toll road from Saguache to the Animas Valley. Enos Hotchkiss, a veteran builder, took charge of the enterprise, which involved the construction of a wagon road one hundred and thirty miles in length before the end of the following autumn. He reached the lovely valley where Lake City now stands, toward the last of August. Following on up the river, he observed upon the hillside some float rock which attracted his attention, for he had had much experience in prospecting and mining on the Pacific slope. He examined it closely and afterward traced out the vein from which it had been eroded, a work of but little difficulty, as it was quite large and distinctly defined. He staked off a claim, writing upon the stakes the names of James Sparling, Ben Hall, B. A. Bartholf, Monett Hotchkiss and his own, as the claimants. He returned to the Animas River, and in due time reported to others what he had discovered,

which led to the settlement and organization named above. The lode subsequently fell into the hands of Henry Finley who had purchased Hall's interest and substituted his own name for Hall's on the stake, and that of W. C. Lawrence for that of Sparling. The vein was opened and found to be very rich, carrying a tellurium ore which gave large assays in the precious metals. From the reports of this discovery people came flocking in from all directions. The town was christened "Lake City," from the lovely lakes in the near vicinity. The Hotchkiss soon became celebrated for the abundance and value of its ores. Finley purchased Bartholf's interest, and ultimately sold a part of his holdings to the Crooke Bros., who were the first to establish reduction works in the district. The mine was quite extensively worked, the ore being packed by mule trains to Del Norte, and thence shipped to Pueblo and New York. Mr. J. K. Mullen and Henry Henson, partially explored the district in 1871, but made no improvements.

In 1877 Lake City had a population of 2,500, but in a few years it had dwindled down to a very small number, owing to its distance from the larger ore markets and the difficulty and expense of conveying its products to them. A great number of valuable mines have been found there. It is situated in one of the most picturesque and attractive locations in all the mountain counties. The town is very like Georgetown at the head of the Clear Creek Valley.

CHAPTER X.

1873-74—FINANCIAL CONDITION OF THE TERRITORY IN 1873—YIELDS OF AGRICULTURE—BANKS AND BANKERS—POLITICAL DISSENSIONS—NOMINATION OF JUDGE BROMWELL AND T. M. PATTERSON FOR CONGRESS—THE SACRIFICE OF BROMWELL AND THE ELECTION OF PATTERSON—PROPERTY VALUES IN 1874—DESTRUCTIVE VISITATIONS BY LOCUSTS—EXTENT OF THEIR RAVAGES—DISCOVERY OF GOLD IN THE BLACK HILLS—STAMPEDE TO THAT COUNTRY IN DEFIANCE OF TROOPS AND ORDERS.

The panic of Black Friday, elsewhere epitomized, caused no material paralysis of industry and trade in Colorado until after its most serious effects in the States east of the Mississippi had passed. The yield of the mines exhibited an increase, crops were bountiful, unusual attention had been given to investments in live stock, trade pursued its natural course, immigration was nearly double that of 1872, and the various lines of trade had been reduced to a firmer and more legitimate basis.

From the official reports and well considered estimates, the following synopsis is given. The assessed valuation of property for the Territory in 1873 aggregated \$35,582,438.50. Arapahoe County returned \$11,871,908; Pueblo, \$3,105,191; Gilpin, \$2,536,774; Jefferson, \$2,190,016; El Paso, \$2,108,045; Boulder, \$2,098,523; Weld, \$2,056,544; Douglas, \$1,888,981; Clear Creek, \$1,394,948; and Fremont, \$1,213,689. The balance of the counties returned less than one million each.

The gross valuation in 1872 was \$31,260,257.30, and in 1871 \$24,112,078.37. The returns made by the assessors did not show, however, more than fifty per cent. of the real value of property.

The published statements of three National Banks in Denver at the

close of the year, when compared with those given out at the beginning of September, showed a decrease in loans of \$228,186.38; in cash, bonds, etc., of \$531,529.22; in individual deposits of \$689,633.75, and in the total deposits of \$786,961.56, which illustrates the extent of the shrinkage in this direction from the great financial convulsion, and measurably that in all lines during the last three months.

Some activity was manifested in the agricultural sections, the various entries amounting to 281,864 acres. In addition, the Denver Pacific Railroad Company sold 42,882 acres.

Of buildings in the city of Denver, 648 had been erected at a cost of \$1,382,600. The whole number of buildings erected during the three years ending December 31st, 1873, was 2,145, at a cost of \$5,100,600.

The transfers of real estate amounted to \$2,879,905, as shown by the conveyances, 2,323 deeds having been recorded. In 1872 the number was 1,188, and the consideration \$1,606,258,—an increase of \$1,273,647. A compilation of business statistics gave a total of \$14,323,800 as the volume of trade for '73, showing an increase of \$1,284,800 over the previous year.

Manufactures returned a total production of \$3,249,100, an increase of \$1,855,100 over 1872. Thus we have a combined total of \$17,572,900 for 1873, as against \$14,433,000 in 1872.

Thirty-five business houses in Pueblo sold nearly two million pounds of merchandise in 1873. The total amount of freight received was something over 2,000,000 pounds. Five million brick were manufactured, and 3,000,000 feet of lumber sold. The land office at that place disposed of 129,957 acres of public land.

From Governor Elbert's message to the legislature delivered January 7th, 1874, which epitomizes the various reports, we find that Wilbur C. Lothrop, one of the most alert and efficient of all our Territorial superintendents of public schools, and under whose vigilant administration the groundwork of the present admirable system was laid, resigned his office in 1873, and was succeeded by Horace M. Hale of



Mr. R. Hanna.



Gilpin County, under whose fostering care some marked advances occurred.

The report indicated that there had been an increase of fifty per cent. in the number of schools; in school districts of 52 per cent.; in schoolhouses, 56 per cent.; in school population, 100 per cent.; in school attendance, 59 per cent., and in the value of school property, of 216 per cent.

The following was determined upon as a fair average of the crops throughout the Territory :

Wheat.....	28 bushels per acre.	Corn.....	35 bushels per acre.
Oats.....	55 " "	Potatoes.....	200 " "
Barley.....	40 " "	Onions.....	250 " "

But there were exceptional instances where, with superior land carefully irrigated and well cultivated, immense crops were realized. "For example," says Governor Elbert, "for three successive years the premium crops of wheat exhibited at the Territorial Fairs ranged from sixty-seven to seventy-three bushels per acre. In one year two fields of corn were sworn to as having yielded over 200 bushels per acre; potatoes have given from 400 to 600 bushels per acre; onions have reached 1,000 bushels per acre. A cabbage of eighty-two pounds' weight has been sold in the Denver market. Those of forty to sixty pounds each are plentiful at every annual fair. Car loads have been shipped away in which the closely trimmed heads averaged throughout twenty-three pounds each."

The railways completed and in operation at the close of 1873, embraced 624 miles. The estimated cost of their construction and equipment at an average of \$18,000 per mile, cash, was \$11,132,000. At this period, 544 miles additional were in course of construction. The gross earnings for the year mentioned of all the railways, amounted to \$2,205,000.

We had at that time 1,017 miles of telegraph lines, at an approximated valuation of \$400,000; one hundred and twenty-five churches valued at \$450,000; one hundred and eighty public school buildings,

valued at \$260,183.46; smelting and other reduction works, valued at \$3,000,000. Two hundred thousand acres of land were under cultivation.

At the January, 1874, election for officers and directors of the First National Bank of Denver, W. S. Cheesman was chosen Vice-President vice George W. Clayton, who declined a re-election. George Wells, who had been assistant cashier of this bank for a number of years, died in April, 1874, and was succeeded by Mr. Geo. W. Kassler. In the same year Mr. Charles B. Kountze was made President of the Colorado National. The First National Bank of Central City began business January 4th, 1874, as successor to Thatcher, Standley & Co., private bankers. Joseph A. Thatcher was chosen President, Otto Sauer Vice-President, and Frank C. Young, Cashier. Thatcher had been in the banking business since 1863, when he took charge for Warren Hussey & Co., with whom he remained until 1870, when the banking house of Thatcher, Standley & Co. succeeded Hussey & Co. The Rocky Mountain National was organized some years earlier by the Kountze Brothers.

The German National Bank of Denver was organized in February, 1874, and commenced business May 4th of that year, with John J. Reithmann President, George Tritch Vice-President and C. A. Fischer Cashier. The cash capital was \$100,000. The first directors were L. F. Bartels, M. D. Clifford, John Good, J. M. Eckhart, Conrad Walbrach, Joseph L. Bailey and Walter A. Stewart. The bank was opened on Fifteenth street between Larimer and Holladay streets. The First National Bank moved from Blake and Fifteenth streets to the McClintock Block on the corner of Larimer and Sixteenth streets, and recommenced business there on Monday, January 10th, 1876.

The Miner's National Bank at Georgetown, which had been organized in the summer of 1874, with a capital of \$50,000, suspended in December, 1875, when Mr. Samuel N. Wood, now cashier of the First National, was appointed Receiver by the Comptroller of the Treasury, and at once took charge of its affairs. Mr. Wood was succeeded by Col. L. C. Ellsworth, by whom all its accounts were settled as far as they could be.



Geo W Kessler

On the 1st of March, 1875, the Bank of Clear Creek County opened. The incorporators were D. D. Mallory of Baltimore, Md., L. C. Kilham of New York, Francis G. King of Denver, Charles R. Fish of Georgetown, and Charles Reuter. Mr. Fish was made President, Mr. King Vice-President, and Mr. Reuter Cashier. The paid up capital was \$100,000.

At the May meeting of the directors of the German National in 1876, Mr. Reithmann retired from the presidency, when George Tritch was elected in his stead, and Job A. Cooper, at present writing Governor of Colorado, was elected Vice-President. H. Suhr was re-elected Cashier.

The City National Bank opened for business June 10th, 1872, with the following organization: Directors, Henry Crow, Frank Palmer, J. Sidney Brown, John R. Hanna and William Barth. Officers, Henry Crow President, Frank Palmer Vice-President, John R. Hanna Cashier. Capital \$100,000. The original base was the banking house of Warren Hussey & Co.

The first bank in Pueblo was established by the Thatcher Brothers, in January, 1871. It was changed to the First National Bank in June following.

On the 22d of May, 1874, the entire business center of Central City, in Gilpin County, was destroyed by fire through the lack of a proper water supply and an efficient fire department. The conflagration originated in a Chinese laundry on Spring street, shortly after 10 o'clock in the morning. It was a beautiful day, the atmosphere clear and tranquil. The flames made slow progress at the beginning, and might have been easily suppressed, or at least confined to the frame building occupied by the celestials, by a well organized body of trained men supported by suitable facilities for such emergencies. The citizens flocked to the scene, where great confusion prevailed, and but little effective work was done. As a natural consequence the flames soon leaped to adjoining structures, and within an hour were spreading over the city in lurid torrents which no department, however well sus-

tained and directed, could have checked. The town was largely composed of wooden buildings that were as inflammable as tinder. Soon Spring street to Bridge, and thence down Main street on both sides to Lawrence and Eureka, were enveloped in flames, sweeping onward unchecked and with fearful rapidity; thence up Eureka to the Teller House and "Register" block, the former of brick and the latter of stone, where they were stopped. But the destruction continued on down Lawrence until there was nothing more to burn, and at last died out. Two brick buildings on Main Street and one or two on Lawrence were all that remained of the business part of the town. When night fell, the people from their homes upon the hillsides looked down upon a mass of smoking embers. Throughout that memorable day Henry M. and Willard Teller, W. H. Bush, and D. C. Collier of the "Miner's Register," assumed the direction of the working forces, exerting all their power to avert the awful catastrophe, but in vain. Next day the work of rebuilding began, and within a year a more substantial city of brick and stone arose from the blackened ruins.

On the 5th of August, 1874, the contending elements of the Republican party, torn and distracted by factional divisions arising from the incidents attending the removal of Elbert and the reappointment of Gen. McCook, met in Territorial convention at Denver to nominate a candidate for delegate in Congress. The impossibility of proceeding harmoniously was apparent before the convention assembled. The bitterness of antecedent contests remained, cropping out at every stage of the preliminary caucusing. Premonitory evidences of coming defeat were unmistakably manifest. All attempts to establish peace and order were unsuccessful.

The choice fell upon Judge H. P. H. Bromwell, one of the ablest and purest men in the party, a lawyer of acknowledged eminence; had been a member of Congress from Illinois, an honorable, upright man, worthy of profound respect, for whom all who knew him entertained highest esteem, and, as far as it was possible to be, he was disassociated from the factional animosities which affected nearly every person con-

nected with politics. As it happened, however, the trend of events indicated Bromwell to be the choice of those who favored the restoration of the McCook *regime*. Belford, the orator of the party, in a desperate endeavor to promote unity of action by all the elements attached to the organization, delivered an elaborate and well considered speech from the platform, but it fell upon stony ground. The rupture appeared to be irreconcilable. In this state of feeling the party entered the campaign against a united and confident Democracy led by Thomas M. Patterson, a recent comer, who emigrated to Colorado in December, 1872, from Crawfordsville, Indiana, and began the practice of law. He was but little known outside of the city of Denver, while his antagonist was held in good repute throughout the Territory.

At the election which occurred in September, the vote was much lighter than usual, from the causes stated. The lukewarm support given Bromwell by the press and people was the outgrowth of a rancorous desire on the part of leading Republicans to rebuke President Grant for his acts, and to visit, by the defeat of their candidate, emphatic condemnation upon those who were held accountable for the disorders which they felt had been wantonly precipitated by the McCook faction. As a result, Mr. Patterson was elected by a large majority. Of the twenty-five counties, Patterson carried nineteen and Bromwell six. The total vote was only 16,552, a decrease of about 5,000 from that of 1873. Bromwell was slaughtered in the house of his friends.

Mr. Chaffee had served two terms as delegate from the Territory, and could have had a third nomination and election if desired, but on his return from Washington after the adjournment of Congress and the confirmation of McCook, he notified his friends that under no circumstances would he accept. He secured, before the end of his term, however, the passage of an act to enable the people to form a State constitution, and to the consummation of this great project he now bent all his remarkable energies.

The returns for the assessment of 1874 gave a total valuation of taxable property, exclusive of mines, which never have been taxed,

amounting to \$44,393,806, an increase of \$10,144,957.50 over 1873. As the Territory was then just on the eve of its transmutation to statehood, it is interesting to note the financial condition of the more prominent counties, and the increase of wealth in each during the four years beginning with 1870. In this connection it is well to consider that property in Colorado never has been assessed at more than fifty per cent. of its actual value, and in some sections, even a lower rate has governed:

COUNTY.	1870.	1874.
Arapahoe.....	\$4,706,881	\$15,088,035
Pueblo.....	857,811	3,784,343
El Paso.....	524,965	3,160,323
Bent.....	351,248	2,172,267
Boulder.....	1,121,972	2,547,964
Weld.....	854,381	2,063,166
Douglas.....	624,397	1,470,638
Jefferson.....	1,034,738	2,034,529

The six railways constructed in the interim had nearly quadrupled the taxable wealth of the Territory at large. As an illustration of the advance in the value of land in the better portion of Boulder County, it was stated by the Boulder "News," in October, 1874, that the increase in the price of real estate during the fifteen years preceding had been from \$1.25 per acre, the government price, and considered high at that, to \$25 and \$100 per acre for farming lands.

After a decade of freedom from the ravages of grasshoppers, the scourge appeared with renewed force and destructiveness in 1874. Scores, hundreds perhaps of the farmers in Northwestern Colorado lost from three-fourths to seven-eighths of their entire crops, and in the winter following many were without breadstuffs for their families, with no seed for the next season's planting, and almost destitute of food for their stock. The pests remained during the year, and in the autumn deposited their eggs, from which countless millions were hatched in the spring of 1875. They spread all over Colorado, Nebraska and Kansas, effecting general ruin to agriculturists in that immense terri-

tory. As an example of their universal prevalence in Kansas, of their enormous multiplication from the native germ and of their unappeasable voraciousness immediately after birth, the following humorous story was told: "A woman dug up a pan full of dirt in which to plant some flower seeds. She put the pan under the stove and went out to gossip with a neighbor. On her return after an hour's absence, she found seven thousand bushels of grasshoppers, generated by the heat, literally eating her out of house and home. They first attacked the green shades on the windows, and next a green painted dustpan. A green Irish servant girl, asleep in one of the rooms, was the next victim and not a vestige was left. The stove and stove pipe followed, and then the house was torn down so they could get at the chimney, which was painted green. Boards, joists, beams, plastering, clothing, nails, hinges, door knobs, plates, tinware, everything in fact the house contained was eaten up, and when the woman arrived on the scene she saw two large hoppers sitting up on end playing mumble-peg with a carving knife as to which should have the cellar. She brought suit against the insurance company, which refused to pay the policy on the ground that the building was not destroyed by fire; but the court rendered judgment for the plaintiff, she having proven that the grasshoppers were generated by the fire in the stove."

The destruction of crops in this Territory in 1875, though very extensive, was by no means so great as had been anticipated when the hoppers made their appearance in the spring. A great many ingenious and very effective devices had been employed to capture and destroy them before they acquired their wings. In the Cache-la-Poudre Valley, one of the richest and most extensively cultivated of that day, the devastation was chiefly confined to a strip a few miles wide, north of Greeley and west of the Denver Pacific Railway. On the Big Thompson, however, great damage was done, and on the St. Vrain the farmers lost nearly everything. On Clear Creek and the Upper Platte Valley, great losses occurred. Mr. N. C. Meeker, editor of the Greeley "Tribune," estimated the damage to crops in Weld County at \$1,000,000, and

\$4,000,000 more for the Territory at large. From a letter published by Mr. W. D. Arnett of Morrison, Jefferson County, one of the most intelligent and experienced of the farmers of Colorado, we obtain a very complete epitome of chronicles relating to the several appearances of locusts in this country, the effects produced, and their migrations.

In September, 1861, a single army of locusts passed this point moving south, southwest. They left but few eggs which hatched out between April 10th and 20th, 1862, but did no harm. There were none here in 1863. In 1864, they came, August 26th, at 10 o'clock A. M., in force, destroying all late crops. Wheat and other small grains had been harvested; corn was almost entirely destroyed. The same year the first army was followed by three other distinct armies. They deposited vast quantities of eggs which hatched out from April 10th to May 15th, 1865. That year the young fry destroyed nearly everything that was not protected by ditches. The young climbed and descended the mountains, moving southward. On the level plains they traveled in the same course, unless arrested by water, or attracted by young crops. As soon as fledged they left, going south, southwest. In 1865 the trichnia or ichneumon fly attacked the locusts, destroying vast numbers. The full fledged locust came August 5th, and did considerable damage, but there seemed to be but one army, and they soon passed, leaving no eggs to speak of. In 1866 they came about September 9th, but as the crops were mostly harvested, and corn too ripe for them to eat, comparatively little injury was done. They deposited eggs in quantity, which caused great mischief in the spring of 1867.

From 1867 to 1874, they were not here in armies, only a few here and there. On July 22d, 1874, they came from the north *en masse*. The first army was followed by six other separate and distinct armies, and committed ruinous havoc. The estimated damage was half a million dollars for 1874. They deposited illimitable quantities of eggs, which commenced hatching out April 10th, 1875, and continued hatching for about six weeks, though the greater part were out in the first twenty days. The young fry traveled the same as in 1865, and when fledged

they moved in the same course, as proven by the published reports of the Hayden expedition of that year. The loss of crops that year was estimated at about \$4,000,000 in Colorado alone.

The fledged locust came again from the north about August 17th, 1875, and did much injury to the late sown crops, and in most cases ruined them. They left their eggs as before, but owing to the experience of farmers they did comparatively little damage as compared with other years. In 1876 the fledged locust came again from the north, August 15th, in successive armies, leaving a vast deposit of eggs, but the ichneumon fly left the germ of destruction in a very large percentage of the egg sacs. From 1873 to 1876, the locust invaded Colorado, Nebraska, Minnesota and Iowa from the north simultaneously, and their course thereafter was south. The only difference was that the eastern wing of the army was one, two, three, four, and in Minnesota, five degrees behind the western rim of the army. In 1876 the locust entered Nebraska at the same time as in Colorado, and passed the line of 40° north latitude, ten days behind those of Colorado in their course south. As a rule, the whole movement for the three years mentioned, was south.

The locust is remarkably gregarious. As soon as they are hatched they gather in gangs, and after they are two to five days old will all move in the same direction in good order. At hatching they hop out of the ground as if forced up by those in the egg sacs, as the "little cusses" come up apparently without effort, with their legs folded back as other things are born into the world. When they first emerge they are as white as a sheet of letter paper, but change in a few moments to a dark brown, when they begin to seek for food, often in five minutes after being hatched. They shed twice a very light skin or scales before fledging, which gives them the different shades of color noticeable in bands of them. When fledged they fasten themselves to a bush, weed or a blade of grass with their heads down, and become apparently senseless. In a few seconds the scale breaks on the back of the neck, and afterward it gives way just back of the wings, and by continuous efforts

they draw themselves out of the scale even to the very point of their toe nails. This operation requires from ten to fifteen minutes. As soon as out, the wings appear, which they unroll with their legs and by giving the wings a flying motion. They remain from one to two days sunning themselves, when they are ready to leave, never to return to that place again, unless it is by successive generations. The life of a locust is about five months. The females die immediately after depositing their eggs. They drill holes in the ground with an apparatus on their tails, to a depth of three-quarters to an inch and a quarter, and there leave their eggs in a membranous, glutinous sac, which expands as the eggs develop.

No insect has more enemies than the locust. All insectivorous birds feed upon them, and in addition they are pursued by the ichneumon and parasite flies. The ichneumon destroys billions of them every year. It follows them where they are depositing their eggs and leaves a nit in many of the holes made for the reception of eggs, which develops into a grub which eats the eggs and in the spring comes out as an ichneumon fly. While the young are fledging, it seizes them by the side and stings them under the wing which soon kills them, and in about thirty hours afterward a maggot eats through the side and crawls out.

The parasite fly is about one-half the size of the common house fly. It lights on the back of a locust, holds on resolutely and leaves from three to five red nits.

Says Mr. Arnett in the course of his very interesting series of observations, for he gave the subject profound attention at every stage: "I know of no insect that exhibits the cunning of the locust after the age of five weeks. When very young they appear to have no sense at all, since they will leap into water or fire, if in their course. At four weeks they are capable of feats of cunning that would be absolutely incredible to those who have not watched them. In 1875, after they had eaten my neighbor's crop on the east, they set out for my field. I turned water between his field and my own, causing it to flow four or five feet wide in places, and allowed it to flow to the width of ten to

fifteen feet through my wheat. This was deemed sufficient to check their advance, but I soon found the little rascals crossing by thousands, swinging from blade to blade of the wheat that stood in the running water. I then cut out the wheat, but at the junction of the ditch with Bear Creek, I left two fence poles in the form of the letter V, the lower ends crossing near the water of the creek, and the upper ends on either side of the ditch. Now mark what they did. They soon found a passage by climbing down a pole fifteen feet long, over the waters of Bear Creek and up the other pole into my field. They were making this passage in a continuous stream when I made the discovery, and the ground and wheat were covered by those that had crossed. I could give many other examples of their cunning which to me is remarkable in insect life, but forbear.

"The locust of America is the locust of Joel's time and of the oriental countries, and may have been the cause of the disappearance of the extinct races of men on this continent. From the time the locusts are hatched they will move on the earth in bands in the very course they will fly after being fledged, unless arrested or attracted by the scent of growing crops. It is known that certain birds will scent fresh blood for long distances, and it is believed that the locust is endowed with ability to scent crops or growing grain and vegetables. They will leave wheat or other grain, and flock from all directions to a hot-bed. The development of the locust after hatching until fledged, varies from forty-five to sixty days, according to what they feed upon, and according to its abundance. When fledged they remain in the air about five weeks, apparently without alighting, and don't come down until about the fertilizing season. In their first flight they often pass over districts, leaving them comparatively unharmed. Northern Colorado was thus favored for three years while the center and southern portions suffered severely. They move in their fixed course with system and regularity and, to all appearance, in concert and by command of leaders. After the fertilizing season begins they move forward in a leap-frog movement, and on an average of about six miles a day."

Here are some experiments made by Mr. Arnett with various devices for destroying these insects: "In 1865 I endeavored to discover how soon the locust would drown. After confining them in water twelve hours they soon gave evidence of resuscitation when placed in the sunshine, and in a few minutes began to move. I tried freezing, but came to the conclusion that they could be frozen up any length of time, and when exposed again to the warm rays of the sun they would thaw out and try to emigrate. I tried animal poisons on celery, which the hoppers prefer to any other vegetable, and after observing the effect, formed the opinion that they could eat their weight of any animal poison without the slightest injury. In April, 1875, as soon as they hatched out I took a can of coal oil with a pan for the purpose of making a faggot fire to burn some that had just commenced eating my wheat. I poured the oil into the pan, and in moving about the pan two or three leaped into it. They changed color instantly, and to all appearance were dead. I then forced them in, with the same result. Sunshine failed to restore life to them. Afterward I tried coal tar with like effect. Turpentine, alcohol, alkali and croton oil will destroy them; indeed, anything that kills vegetable life will produce like effect upon locusts under the same conditions."

The foregoing extracts from Mr. Arnett's letter are lengthy, and while perhaps not especially interesting to readers of the present era, since the State has not been revisited by the awful scourge which caused such appalling devastation in 1876 and preceding years, will nevertheless attract some attention in the agricultural districts from the minuteness and extent of the observations made by this well known and highly respected authority. It will serve also to exemplify some of the trials and discouragements which beset the farmers in the first two decades of their occupation, and may be a guide to others in the years to come, as we are by no means insured against further visitations of these insatiable devourers from the North. Again, it will lead the later residents to a faint conception, at least, of the conditions which caused many farmers to abandon their holdings in despair, and emigrate

to more favored lands, and under which the Centennial State was ushered into the Union, a subject soon to be treated at length. Hence the introduction of our trials with the locust plague, of whose horrors none could conceive unless they have had a personal experience here or elsewhere, would seem to require no apology.

Another cause of more than ordinary importance which operated to the diversion of our own and other migratory peoples, and consequently to the disadvantage of Colorado in 1874, was the reported discovery of very rich gold mines in the Black Hills of Dakota. The impelling cause of the interest excited, and which soon induced an extensive movement in that direction, was a report made by Gen. George A. Custer, who, by order of the government, traversed and examined the country in 1874, and gave a glowing report of its resources in gold, timber, etc., which was emphasized and made infinitely more attractive by the floating rumor that the famous old mountaineer, trapper and hunter, Jim Bridger, had found gold there in 1859, while acting as guide and interpreter to a military exploring party commanded by Capt. Reynolds. As the story ran, he discovered it in a brook where he stopped to slake his thirst, and carried the specimens to the officer in charge, who ordered him to conceal or throw them away, as, if the story came to the knowledge of the soldiers, it would cause a stampede. At that time Bridger was an old man, but still hearty and vigorous, residing on a farm in Jackson County, Missouri. Traced to its source, it was found that Capt. Reynolds' expedition had been ordered to explore the headwaters of the Yellowstone, Missouri and Columbia Rivers, and passing through the Black Hills en route, one day after having traveled a long distance, Bridger dismounted from his horse at a small clear stream and stooped to drink of its crystal water. While in this position his attention was attracted by the curious appearance of what seemed to be a lot of small yellow pebbles. Though familiar with the color of gold, it had never occurred to him that the precious metal existed in that locality; but his curiosity impelled him to scoop out a handful of the stuff, which he exhibited to Dr. Hayden and Capt. Rey-

nolds. Both at once pronounced it pure gold, and inquired where he found it. When told, Reynolds became greatly excited, and fearing the effect upon his men, insisted that Bridger should throw it away and under no circumstances permit the discovery to be known, as the knowledge that gold existed there in such abundance and so easy of access, would cause the soldiers to desert. Bridger, in relating the circumstance, stated that since his first discovery of the yellow metal in the Black Hills, he had found it at other places in the same region. But he cautioned people against going there except in strong, well armed parties for defense against the Sioux, to whom the Hills belonged, and who were very numerous and would naturally resist the invasion of their territory.

But the fires had been lighted, and all warnings of danger produced no other effect than to stimulate emigration. One might as well attempt to check the force of a tornado by willing it, as to stop a tide of gold hunters when once set in motion. Soon after the publication of Custer's report, and the interview with Bridger, the columns began to march from the North, East, South and West toward the new Eldorado. The newspapers all along the borders teemed with all manner of exaggerated statements. Small parties entered the hills and began their explorations. Some of them endured fearful suffering, but it did not appal thousands of others who had resolved to follow. One of the first was a party from Sioux City, who found gold there in the winter of 1874-75. The title to the region still remained in the Indians, and the authorities apprehending a serious conflict, took measures to keep out intruders, but to no effect. The panic of 1873 had cut loose an enormous drift of poverty-stricken, restless and discontented people, who were out of employment and prepared to take desperate chances for the recuperation of their broken fortunes.

Though Professor Winchell, the geologist who accompanied Custer, denied the existence of gold, Custer was equally pronounced in asserting that it was there in paying quantities, and the people preferred his opinion to the other. The assumed hostility of the Indians deterred no

one who had decided to take the chances. Sheridan ordered the army to keep them out, but it could not be done. They continued to pour in, despite orders and restrictions. The more fortunate of the advance guard had discovered valuable mines and worked them, notwithstanding military inhibitions, the severity of the winter and danger of Indian attacks. These men sent back glittering accounts of the treasures found there, and they spread all over the land through the newspapers. Some returned to their homes in the spring, and by the stories they told, added fresh fuel to the flames of excitement. Companies were forming throughout the West, and in many parts of the East and South, and soon they appeared at Cheyenne, Fort Laramie and the Red Cloud Agency, organized and equipped for the final stage of the long journey.

On the 25th of March, Gen. Sheridan, in a letter to Sherman, said his first knowledge of the Black Hills and the existence of gold in them, had been obtained many years before from Father De Smet, a noted Catholic missionary, whom he met on the Columbia River. De Smet lived with the Sioux Indians, who showed him nuggets of gold which they informed him had been found by them in various parts of the Black Hills of Dakota, and told him also that there was a mountain of it, but it proved to be only a mountain covered with yellow mica. Custer had been sent there to establish a military post for the protection of settlers in Nebraska from raids by the Sioux.

This confirmation, "strong as Holy Writ," on being published set new columns in motion and rendered all attempts to stop the immigration wholly abortive. A great rush took place in the spring of 1875, hundreds going from Colorado and Wyoming, Iowa, Nebraska, Missouri and Illinois.

On the 29th of March, Columbus Delano, Secretary of the Interior, issued an order citing the fact that a competent geologist had been sent by the President to explore the region, and if it should be discovered that the precious metals existed in large quantities, an effort would be made to extinguish the Indian title, and open the country to

settlers. Meanwhile, no trespassers would be allowed to go in. Those already there, would be expelled by military force. The War Department issued orders to the same effect. Professor Walter P. Janney, a mining geologist, with a corps of experts escorted by six companies of cavalry, soon afterward began his examination. Wherever parties of miners were found, the troops expelled them. Janney's report proved unfavorable, when the press, giving full credence to his conclusions, began to denounce the reported discoveries as wicked canards without foundation in truth, which caused some of the companies to abandon their contemplated enterprises. The troops on the ground forbade people from entering. Meanwhile, hundreds were at different points on the border anxiously awaiting the issue, for they refused to accept the unfavorable accounts, nor did they believe the military seriously intended to keep them out. But some of those who had established camps in the gold regions,—for it was a fact that gold had been found in paying quantities,—had been driven out and their property destroyed.

In August, 1875, Richard Irwin, an old Colorado prospector, who was among the first to enter the Hills, wrote back to his friends here, that he had made a prospecting trip from the south and southeast, to the north and back again, covering the region examined by Professor Janney; had assisted in the organization of a mining district and located several claims in one of the paying gulches, where more than a hundred miners had settled. Another district had been organized at the point subsequently designated "Rapid City." He believed it would prove a rich and extensive mining region. Returning to Colorado, Irwin organized a strong party for the Black Hills.

In spite of all orders and in defiance of all obstructions, thousands pushed their way into the new gold region. In the early spring, indeed, as early as January and February, 1876, they began to gather at Cheyenne, prepared to force their way, if necessary. They came from all points of the compass, and among them were many women and children. Seeing the drift of events, some enterprising people established a stage line from Cheyenne to the center of attraction,—Custer City. The

principal discoveries then made were on French, Spring, Castle, Rabbit, Iron, Whitewood and Deadwood Creeks, the last two seventy-five to eighty miles northwest of Custer. The Sioux had raided some of the camps, but were driven off without serious loss. By this time about four thousand people had located in the different sections. On the 4th of March, 1876, a large band of Sioux attacked the settlers at Custer City, driving off their loose stock. At about the same time they swooped down upon an emigrant train and killed two men. The settlers formed in mounted companies and pursued the Indians with the usual result,—the latter escaped.

The first newspaper was established by A. W. Merrick and W. A. Laughlin, two well known Colorado printers, and the paper then founded is still one of the leading journals of that country. During 1876 most of the discoveries which gave the region its fame, and out of which grew the State which was but recently admitted into the Union, and where have been located and partially opened the only group of workable deposits of tin ore yet found upon this continent, were made. Several of the wealthy citizens of Denver, notably Mr. S. N. Wood, cashier of the First National Bank, accumulated comfortable fortunes at the town of Deadwood, where were developed the greater part of the more valuable deposits of the precious metals.

The foregoing incidents have been narrated for the purpose of further exemplifying the trials, discouragements and losses which befel the people of Colorado during 1874, '75, '76, and which gave rise to grave doubts in many minds as to the wisdom of abandoning the Territorial system for the more expensive luxury of statehood upon which we had just entered. The rush to the Black Hills occurred just after the wholesale destruction of crops for two successive years, and in one of the darkest periods of our history, when we could ill afford the heavy drain of population from our own industries, or the diversion of our commerce to a rival point to the northward.

CHAPTER XI.

SOME OLD REMINISCENCES OF THE FOUNDING OF DENVER—UNCLE DICK WOOTTEN AND HIS EXPLOITS ON THE FRONTIER—GENERAL WILLIAM LARIMER—LUCIEN B. MAXWELL—AN IDYL OF BLUE LIZARD GULCH.

It is proper to preface the series of reminiscences subjoined, by the statement that in the course of my extended researches through old books, pamphlets, records and files of newspapers in pursuit of data for this work, much valuable material relating to the history of Colorado in primitive times has been collected which should have been incorporated with the chapters relating to that era in the first volume, but was not then available. Again, within the last six months a number of old manuscripts, notes and diaries, scrap books, etc., have been supplied by friends and correspondents in various parts of the country which contain material that is not only historically valuable but extremely interesting. The opening sketch of the series is taken from an address delivered by Mr. O. J. Goldrick July 4th, 1876, a paper of which I had frequently been apprised, almost at the outset, by numerous friends, but not one of them could suggest where it was to be found. This address, accidentally discovered last summer, embraces certain facts which may lead to the settlement of controversies that are constantly arising among the original residents of Denver respecting the actual first founders of the town. Mr. Goldrick was an experienced journalist and a conscientious compiler of primitive chronicles, and in this instance took especial pains to discover and set down the truth. If it shall become my duty at a future time to publish a second edition of the History of Colorado, the incidents following will be placed in chronological order among appropriate chapters of the first volume. If not, my successor is

hereby advised, if he shall consider them of sufficient value, to make a similar arrangement of them.

The Green Russell party left the State of Georgia for Cherry Creek February 9th, 1858, arriving, with its friends, the Cherokees, at Independence, Missouri, early in May, and at the head of Cherry Creek June 1st. Soon after they had passed through Missouri and Kansas, companies were formed in those States to follow the trail of the Georgians, whose purpose in the expedition had become known, and if possible head them off before they should have staked out and occupied all the richer gold mines. The first company of Kansans left Lawrence in May, 1858, and having reached the Arkansas River where Pueblo now stands, celebrated the Fourth of July, the first observed as a great national anniversary on that remote frontier.

The Russell party prospected Cherry Creek from its source to its confluence with the Platte River, but with only moderate success. Next they examined the auriferous sands and gravels of the Platte for six or seven miles south to the mouth of the Little Dry Creek. Dissatisfied with the results and restless for richer diggings, they crossed the river near the mouth of Cherry Creek June 24th in the year named above, and struck out for the North Platte and Green River regions, but returned to the present site of Denver neither wiser nor richer for their journey, but more than ever determined to examine Dry Creek more thoroughly before proceeding further south. As a consequence, in a very few days they washed out several hundred dollars' worth of gold. In the meantime, some of the Kansas company had arrived from beyond the "divide" (Colorado City) and located on the banks of the Platte near what is now known as Jason Younker's ranch. They and others who appeared soon after, concluded to build a lot of log cabins near that point, which they did to the number of twenty during the months of October and November, and then christened their fledgling "Montana City." Here they spent the winter of 1858-59, and in the spring abandoned it for the later settlements springing up on Cherry Creek.

By this time fifty to sixty people had located on the creek named, chiefly Georgians, Kansans and Missourians, with some from Fort Kearney, Fort Laramie, Camp Floyd and the New Mexican frontier, who appear to have wandered in this direction more as the result of accident than design. They had been drifting about here and there on the plains, neither knowing nor caring whither they went. Some of this drift arrived here as early as July, 1858; others came in August, September and October. One of the interminable Smith family who had lived among the Indians for years and kept a trading post in a tent at the Cache-la-Poudre, moved up to the crossing of the old Cherokee trail, now the mouth of Cherry Creek, and became the first "fixtured" who ever claimed a pre-emption right to this section of country. He had held a monopoly of the Platte Valley market on Mexican flour, whisky, tobacco, beads and blankets, which were exchanged for beaver skins, buffalo robes and overland bound live stock.

The first attempt at establishing a town on the present site of Denver is found recorded in a small memorandum book in these words:

"Upper waters of the South Platte River at the mouth of Cherry Creek, Arapahoe County, Kansas Territory, Sept. 24th, 1858.

"This article of agreement witnesseth: That T. C. Dickinson, Wm. McGaa, J. A. Churchill, William Smith, Frank M. Cobb and Charles Nichols, have entered into the following agreement, which they bind themselves, their heirs and administrators, executors, assigns, etc., forever to well and truly carry out the same.

"ARTICLE FIRST. Whereas, the aforesaid parties as above, have agreed to lay out 640 acres of land for town purposes, etc., etc."

Then follow a series of by-laws, and a provision for the election of town officers to be held on the 28th of the same month. Each of the members was to own several hundred lots, the remainder to be sold to defray the cost of surveys and improvements. In their agreement there was a proviso that in case the country ever amounted to anything, Smith and McGaa should separately claim the fractional, or west side of the creek, and use their influence to see that it eventually became a part of the property of the company.



A. Williams

The St. Charles town site thus established, remained chalked out on paper for five or six weeks without as much as a single shanty being erected upon it, save a few logs crossed together, with an old wagon cover for a roof, which had been built by one Henry (Hank) Way, near the Cherry Creek terminus of Wazee street, in the latter part of October. This was the first house erected on the site of Denver.

In the meantime, other parties, principally Georgians, including some Kansas men from the Montana settlement who were not taken into the St. Charles town company, concluded to locate a town of their own on the west side of Cherry Creek. Three log cabins with mud roofs were commenced about October 20th, close to the bank of the Platte, almost simultaneously by Rosswell C. Hutchins, old John Smith and A. H. Barker, and soon a street called "Indian Row" gave the settlement a "local habitation and a name." Another cabin was commenced October 26th by one S. M. Rooker, a renegade Mormon who had arrived with one wife and family August 30th, and had lived in a tent during the two months previous. On the 29th of October, during a severe snowstorm, Blake and Williams' train of wagons laden with groceries and provisions, arrived from Iowa, and the owners built the fourth cabin in the west side settlement which had been named "Auraria," where they opened a store and thereby gave that side of the creek its first important commercial enterprise. Mr. A. J. Williams of this firm, is still a resident of Denver. A few days later, Messrs. Kinna and Nye arrived from Nebraska, located in Auraria and opened the first tinware and stove store. The next train of goods, flour and groceries, and the first assortment of drygoods was brought in by Uncle Dick Wootten from New Mexico, arriving on Christmas day. Wootten's storeroom twenty by thirty, with clapboard roof and a four light glass window, was then the largest building in the country.

About the middle of October, old John Smith relinquished his claim to the west side for a nominal consideration, and a town was projected by the Georgians and others to be called "Auraria," after a small mining town in Georgia. A man named Foster began surveying the

same on the 8th of November. Eight cabins had been built before the town was laid out. The prospect for Auraria grew more and more brilliant from day to day, while that of Montana and St. Charles became correspondingly discouraging. Up to this time no one could be induced to complete the first roofless cabin in St. Charles, much less to construct a second, notwithstanding an offer by Mr. Nichols to donate one hundred lots to the person who should erect a log tenement on his town site. Finding his enterprise a failure, since every one who came joined the colony on the west side, scorning St. Charles, Nichols left for the States in disgust during the first week in November.

The permanent settlement or organization of Denver, occurred under the following circumstances: A party of Kansas men, led by Gen. William Larimer and Richard E. Whitsitt, arrived in Auraria November 16th, 1858, and on the following day observing that a town company had been organized on the west side, they crossed the creek and determined to locate a town of their own on the abandoned site of St. Charles. Some of the members of this company thought the site too far from the Platte River to justify locating on such a high and dry position, but by the persuasion of Mr. Whitsitt all agreed to the enterprise, he obligating himself to haul water in buckets for temporary use until wells could be sunk.

From November 17th when the Larimer-Whitsitt Company took possession and christened it Denver,—in honor of the then acting Governor of Kansas,—until November 22d, the members were actively engaged in preparations for building cabins in order to secure their pre-emption. Few, if any except McGaa and John Smith of the original St. Charles Company, were then in the neighborhood. A constitution was adopted November 22d and an election of officers for the Denver City Town Company took place, with the following result: President, E. P. Stout; Treasurer, Wm. Larimer, Jr.; Secretary, H. P. A. Smith; Recorder, Peleg T. Bassett.

The trustees chosen were E. P. Stout, William Larimer, Jr.,

Richard E. Whitsitt, William McGaa, C. A. Lawrence, Hickory Rogers, William Clancy and Peleg T. Bassett.

On the 30th of November a contract was made with a firm of engineers,—Curtis & Lowry,—to survey a site of six hundred and forty acres, and to lay out the main streets. The town company, consisting of forty-one members (of whom only two, J. H. Dudley and A. J. Williams remain at this writing, 1889) each claimed a share of one hundred and forty-six lots. In the summer of 1859, 1,460 lots were set apart to the Leavenworth & Pike's Peak Express Company, as an inducement to locate their offices on the East side (Denver) which the company rather reluctantly accepted, as most of the inhabitants and business were on the West side. Prior to this, Mr. William N. Byers had declined an offer of twenty lots tendered him to establish his Rocky Mountain "News" office in the new town. Nevertheless, Whitsitt, Larimer and the other active members of the company resolved to make Denver the future great city of the plains and mountains, and entertained great confidence in their ability to bring about this result. But it was not accomplished without incessant energy and much shrewd manœuvering. Auraria kept well in advance of them until 1861. Whitsitt was a man of marvelous activity and fertility of resource, possessing great sagacity and in time of danger, the bravest of the brave; true to his friends, and a terror to his enemies, who soon learned that he was always prepared to fight with any weapon which came first to hand, and that he was a dangerous adversary to trifle with, yet no man of his time had more or warmer friends.

Each of the forty-one shareholders was compelled by the terms of the compact to erect at least one building within the ninety days next after the organization. From the 17th to the 30th of November several cabins dotted the town site, the first four located as follows: One by Gen. Larimer on the rear portion of the lots now occupied by the Clayton Block, corner of Fifteenth and Larimer streets; the second by C. A. Lawrence, on the corner now occupied by the Pioneer Building, diagonally opposite that first named; the third by P. T. Bassett near the

corner of Fourteenth and Larimer, and the fourth by Moyn & Rice on the southeast corner of Larimer and Fifteenth, opposite the Pioneer and Clayton blocks. In after years Mr. Rice claimed that his building was commenced November 12th, 1858, and prior to either of those named, but Gen. Larimer insisted that his was the first to be finished and occupied. It may be well to interpolate here as a matter of some interest, that in a letter to Mr. Will C. Ferril of this city, dated September 24th, 1889, Mr. W. H. H. Larimer of Kansas City, eldest son of Gen. Larimer, makes the following statement in response to an inquiry on the subject: "My father and myself were members of the original Denver town company, and built the first cabin there. My father organized the company, and was donating agent and treasurer. He gave two lots to any person who would build a cabin sixteen feet square. I chopped the logs for our cabin, of which I have a sketch drawn by Gen. F. M. Case, first Surveyor General of Colorado. I was eighteen years old when we settled on Cherry Creek."

It is sufficient to say, that after the first few houses were started in Auraria and Denver, the work was enlarged simultaneously by scores of others in order to fortify their holdings against the rapacity of the constantly increasing immigration. And so the rivalry between the towns continued, until on New Year day, 1859, there were over twenty cabins in Denver, and at least fifty in Auraria. Up to this time there were only three white women in this cheerless country, namely, Mrs. Henry Murat, from Kansas, who arrived at the Montana settlement November 2d, 1858, and was sheltered in the only cabin then completed at that point; Mrs. S. M. Rooker from Utah, who reached Auraria August 30th, and Mrs. Dick Wootten, from New Mexico, who arrived in Auraria on Christmas day. Everything here was uncertain and unstable, with a long winter ahead, and, with plenty of nothing but poverty and privation, the pioneers had to make hope the main anchor of their souls. Without sawmills, not even a whip-saw to cut lumber, with neither nails nor glass, destitute of tools for constructing the conveniences of life, these early settlers suffered countless hardships during the first year of

their sojourn in this desert. The prices of staples were enormous. Lumber was worth one hundred dollars a thousand feet in 1859, and extremely scarce at that; shingle nails cost a dollar a pound; flour ranged from twenty to forty dollars per hundred, while sugar, coffee, tobacco and whisky were at times worth their weight in gold.

The first hotel was erected in February, 1859, on the corner of Tenth and Larimer streets (West side), by Murat and Smoke and called the Eldorado. The first blacksmith was Thomas Pollock from New Mexico; the first carpenters, Kasserman & Willoughby. The first bakery was established by Henry Reitze, early in January, 1859, whose sign read as follows: "Gold dust, flour, dried apples, etc., taken in exchange for bread and pies."

The first frame house erected in Auraria was built by Dick Wootten at a point near Sigi's brewery, in June, 1859. Shortly after, the first sawmill arrived and was established in the pineries near the head of Cherry Creek. The first child was born on the 3d of March, 1859,—the half-breed son of Wm. McGaa, alias "Jack Jones," and the parents christened him "Denver." The first white child, a girl, was born to the wife of Henry Humbell, in the autumn of 1859, in a dwelling at the corner of Tenth and Larimer streets. The mother was presented with several corner lots for her enterprise in advancing the population of Auraria, but she considered them worthless, and in 1863 forsook Colorado for Oregon. The first death that occurred was the son of Joseph Merrival in March, 1859. The city postmasters from the beginning to 1876, were as follows, in the order named: Henry Allen, Mr. — Field, Amos Steck, W. P. McClure, Samuel S. Curtis (D. H. Moffat, Jr. assistant), William N. Byers, Andrew Sagendorf, Hiram P. Bennett, David A. Cheever, Edward C. Sumner.

Uncle Dick Wootten.—One of the very earliest of our pioneers, contemporary with the Bents, St. Vrain, Kit Carson and the original guild of hunters and trappers, and one of the most magnificent figures that ever trailed an Indian, or trapped a beaver, was born May 16th, 1816, in Boydton, Mecklinsburg County, Virginia. His parents subsequently

moved to Kentucky. The subject of this sketch left Kentucky in 1832, and wandered about through the Southern States until 1835, when he settled on the western border of Missouri. Possessed of an ardent desire to cross the great mysterious plains, then designated the "American Desert," in April, 1836, an opportunity was afforded him to join a train belonging to Bent & St. Vrain, bound for Bent's Fort, on the Arkansas River. After various adventures he arrived at the post, where he found active employment under its proprietors. Inclined to wander and explore, notwithstanding the perils which threatened from strolling bands of Indians, his first expedition brought him to the South Platte River and on to St. Vrain's Fort, near the foot of Long's Peak, whence he traveled to the spot where Cheyenne now stands, and then returned to the starting point,—Bent's Fort, where he soon afterward joined a trapping party then outfitting for the South Park. In this expedition he gathered about 1,000 pounds of beaver skins, which were sold to the traders in furs at seven dollars a pound. Thus supplied with funds, he purchased a stock of goods, and traded with the Indians during the season of 1837-38. In the fall of the year last named, he organized a party of seven trappers and started out to trap on the principal water courses of the mountains. They crossed the range, passing down into the beautiful and picturesque classic ground of all hunters and trappers, the San Luis Park, then a primeval solitude, and followed the Rio Grande River to its sources in the mountains, where they found great numbers of beaver. Thence they moved to the head waters of the San Juan River, and on to the Wahsatch Range, in Utah; thence back by way of the North Platte River to the South Fork; thence through what is now Northern Colorado, across the divide, and back to Bent's Fort, after having traversed over two thousand miles of mountainous country during the twelve months of their absence. In the winter of 1839-40 he, with others at the post, witnessed a furious battle between the Pawnees (a tribe once the most powerful of all the plains Indians, but now well nigh extinct), who roamed over the entire country from the Missouri River westward, fighting their enemies at

every opportunity,—and a large band of Arapahoes on the Dry Cimarron, a tributary of the Arkansas. Says Wootten, “The hideous war paint and trappings of the savages, their horrid yells and war-whoops, the insulting contortions of face and form when about to engage an enemy, made the appearance of the combatants both frightful and intensely disgusting. They fought ferociously and desperately, and as it was a hand to hand engagement in the main, the weapons used being lances, tomahawks and knives, the scene was bloody and exciting, as were most of the battles between those tribes.” The Arapahoes were victorious.

The winter following being mild and pleasant, Wootten passed the time in hunting and trading. In one of his expeditions he passed into New Mexico, where he purchased a large flock of sheep, which were driven to Westport, Missouri, and there sold, and the proceeds invested in cattle, with which he returned to the Valley of the Arkansas. The next winter he established a camp in a favorable location at a point six miles above Pueblo, and there cared for his stock. In the spring of 1840 he undertook the experiment,—which subsequently attained some importance in Texas,—of amalgamating the native buffalo with his American cows. To procure the buffalo he went down to the plains where the town of Kit Carson was built in 1870, and there captured about twenty buffalo calves, with which he returned to his camp, and, in due time, succeeded in domesticating them. In 1841 a like number of the same young natives were added to his herd, but the plan failed of execution for the reason that the buffaloes were sold at a good round price to an agent representing the Central Park of New York, to which place they were transplanted, and became objects of great curiosity and delight to the dwellers in Gotham, and their country visitors.

In the spring of 1841 Wootten joined an expedition for New and Old Mexico. The intervening regions swarmed with hostile Indians, with whom they had many sharp conflicts. He returned in due course to the Arkansas River and became a dealer in live stock. The first settlement and cultivation of the soil by civilized beings took place in

the spring of 1842, at a point within the present limits of the city of Pueblo, though prior to this, in 1838, a small patch of corn had been planted further down the valley, but it was destroyed by Indians. The first actual settlers who cultivated the soil within the present limits of Colorado were a party of men named Fisher, Sloan, Spaulding, Kinkaid, Beckwith, Slate and Simpson, first names wholly forgotten. They raised excellent crops of corn, for which, as may well be imagined, there was a brisk demand.

During the winter of 1842-43 Wootten acted as dispatch bearer for Bent & St. Vrain to their numerous outlying posts. In March, 1843, another agricultural venture occurred in the valley of the Hardscrabble about thirty miles from Pueblo. Mr. George S. Simpson, years afterward a resident of Trinidad, who passed away in 1888, led this enterprise. A considerable tract of good land was put under cultivation, resulting in bountiful harvests. About the same time a mountaineer named John Brown located on the Greenhorn, and there erected the first grist mill, a building of logs, the machinery rude, the burr stones hewn out of granite. But it answered its purpose. The settlements on the Arkansas and its affluents, were the resorts of the mountaineers and trappers, to which they repaired for a season of rest and solid enjoyment after their long and trying excursions after furs and game. Though the cabins were rude, built of logs or adobe, and in some cases, formed by driving pointed stakes into the ground like the ordinary stockade, with dirt floors and mud roofs, all had generous fireplaces, which, filled with wood and set aflame, formed scenes of comfort which those rude men, accustomed to hardship, found a very paradise of luxury, as they gathered in them when the rough blasts of winter drove them out of the wildernesses and deprived them of their occupations. "Here," says Wootten, "I have passed some of the happiest days of my life, telling and listening to tales of wild and desperate adventures that thrilled my blood; tales of hand to hand encounters with savages when the odds were ten to one against the white man; of ambushades and tragic deaths; of wrestling with black and grizzly bears; of wild racing after

buffaloes, with a thousand incidents of their lives in hunting and trapping on the plains and in the mountains, that if put into the hands of an experienced romancer and published, would have been eagerly read by thousands."

In the spring of 1844, Wootten with four comrades penetrated the Grand Cañon of the Arkansas, and trapped along the various tributaries of this river, and on across the great range to the Grand in Middle Park; to the Laramie plains, to Green River and the head waters of the Bear; westward to the Big Snake, and to the sources of Wind River. In this expedition they and all their guild were frequently harassed by Indians. At length, wearied of dodging and fleeing from their savage enemies, they banded together to the number of fifty, and under a skillful leader, attacked the main body of their enemy, killed great numbers and destroyed their movable property. The winter of 1844-45 was spent in trading among the people of New Mexico. In the summer of 1845 he abandoned trapping for a time and built a cabin on the banks of the San Carlos (St. Charles) twelve miles south of Pueblo, and engaged in cultivating the soil. A few families had settled in the near neighborhood. The following winter he resumed his old pursuit of fur bearing animals, and in the spring located at Pueblo, where twenty-eight Mormon families, with several rather attractive young women, who had crossed the plains from Missouri, had established their camp for a time. Here the mountaineers found inexpressible enjoyment in "flirting with the Mormon girls," the first females of their race many of them had beheld since they left civilization for the remote frontier. Wootten relates that he was present in Pueblo, when John Albert, the only white survivor of the terrible massacre in Taos, when Governor Charles Bent was assassinated (Albert is now a resident of Walsenburg, in Huerfano County), arrived there and recited the fearful experiences of his comrades in that terrible tragedy, and was one of the volunteers that took part in quelling the rebellion, under command of Col. Sterling Price.

In 1847 he traded with the Utes along the Raton Range, taking

tobacco, guns, beads, hunting knives and other goods coveted by the Indians, receiving in exchange horses and mules,—undoubtedly stolen from the Mexicans,—buffalo robes, furs and Navajo blankets. Soon after leaving Pueblo, he and his one companion wandered into a camp of hostile Apaches supposing them to be Utes, with whom they were on friendly terms. Fortunately most of the warriors were out hunting, and only old men and women were in the camp. Realizing their peril, they retired hastily, seeking as quickly as possible a place that could be defended by a small force, which they proceeded to fortify against an attack from the Apache warriors, who were certain to pursue them. They had an abundance of ammunition and arms, but no provisions. Here they watched all night, listening intently to every sound, but the Apaches did not come until daylight, when they swooped down with blood-curdling yells and war whoops. Wootten and his comrade were prepared for them and gave them a warm reception. Several Indians were killed. The savages charged upon them again and again, but could not dislodge them, and at length retreated, carrying away their dead and wounded, when the beleaguered trappers made a precipitate rush out of their temporary fortress, and in a short time found rest, refreshment and protection in the Ute encampment they were in search of.

In March, 1848, Wootten took unto himself a wife and settled in Taos, New Mexico. Soon afterward Col. Fremont arrived there with the broken remnant of his ill-starred expedition across the Sangre de Cristo, and of which Uncle Dick speaks in terms of profound disgust. He avers that while Bill Williams was chosen as chief guide to the expedition, Fremont soon became displeased with him, and thereafter consulted others whose advice he followed when not in conflict with his own perverse ideas. After leaving the Arkansas Valley they marched up Hardscrabble Creek to the Wet Mountain Valley, thence across the divide which forms the eastern rim of the San Luis Park, and through the park up the Valley of the Rio Grande to a point not far from the foot of the Main Range, or Uncompahgre Mountains. Here they

halted and Williams was asked if he could guide the party across the mountains direct from this point. Williams said he could not with safety and believed that any attempt to cross would be very disastrous. Fremont, however, had made up his mind to risk it in spite of the warning given by Williams, and proceeded to lead the party over, after consulting one of the subordinate guides who thought it could be done. Williams strongly protested against the movement, knowing the result, telling Fremont that he could pilot them through Cochetopa Pass, or, still better, through a pass from the head waters of the San Juan, and thence by the Southern trail to California, but Fremont remained obdurate and resolved to pursue the course he had laid out under the direction of another guide named Alexander Gordon. Again Williams remonstrated in the strongest terms, but was ordered back to the rear of the column in disgrace. The result has been related in the first volume.

The survivors, Williams among them, after having recuperated their energies at a Mexican settlement, started back to the mountains with a party organized at Taos, to recover if possible, the instruments and other valuable property scattered along the horrible trail. When approaching the base of the range, they encountered what they supposed to be a village of friendly Utes, and rode into it. But the Indians had been made very angry by a severe chastisement given them by a company of United States troops a short time before, and when Williams and his comrades entered their camp they rose up and killed them to the last man.

Wootten says Williams was sixty years of age when murdered, and had been on the plains since 1831. He was a skillful, brave and experienced mountaineer, but in some respects a very singular man. He was born in Kentucky, and in early life had been a Methodist circuit rider; had a common school education, but possessed wonderful power and eloquence in public oratory. Why he left the church and wandered out among the Indians was never explained.

In 1852 Wootten took a large number of sheep to California via

Middle Park and Grand River; had many encounters with Indians en route, but arrived there in safety. A year later he located on the Huerfano River near its mouth, built a cabin, laid in a stock of Indian goods and began trading. This year the immigration from the Southern States was quite large. In 1854 the plaza at Pueblo was inhabited by Mexicans exclusively, some of whom engaged in farming, but only in a small way. Up to that time it had been occupied and abandoned several times by Americans, none of whom remained any great length of time, owing to the hostility of the Indians. It was in that year the massacre occurred, when all the inhabitants of the fort were slain by the Utes. The same band afterward went down to attack Wootten's ranch, but finding him prepared for them, they postponed their intention, contenting themselves with the capture of a part of his live stock.

The greater part of 1856 was passed at Pueblo. In the spring of 1857 he moved to a point about seven miles south of Fort Union, New Mexico, and engaged in freighting supplies from the States to the different military posts in that Territory, and afterward to General Johnston's army at Salt Lake. While en route home from the latter expedition, he sold his train to J. B. Doyle and abandoned the business forever. On the way to New Mexico in October, 1858, he followed the South Platte River, coming at length to Cherry Creek, where he found a little excited settlement of gold hunters, and believing that by the reports sent abroad from there it would grow into a town of considerable prominence, he pushed on to his ranch, gathered a stock of goods and returned to Cherry Creek where, as already related, he built the finest house in Auraria, on the upper floor of which was published the first edition of the Rocky Mountain "News." With this movement ended Uncle Dick Wootten's career as a hunter, trapper, guide and frontiersman, for the frontier had been practically obliterated by the great immigration which began in force in 1859 and has continued to the present time, until the American Desert has been peopled and bent to the ways of modern civilization. In 1861 he left Denver and began



Geo E Corning

farming on the Fountain-qui-Bouille, a short distance above Pueblo, where he remained about four years. A vast change had come upon the horizon of his long and active career with the transformation of the country from a trackless waste to the seat of a new empire. In the wilderness he had been a stalwart leader, of wide renown among his fellows, a king of beasts and of men, dreaded by his foes, admired and followed by the bravest of his guild. Now he felt himself an alien and a stranger among the jostling thousands who came for gold alone.

In 1865 Wootten procured a charter from the legislature of Colorado, which authorized him to construct a toll road from Trinidad through the Raton Pass to a point beyond the summit of the range, and later, a like concession from the government of New Mexico which enabled him to complete it to certain towns in that Territory. From this enterprise he drew, and still obtains considerable revenue. He owns a fine ranch with deposits of excellent coal, near the summit of the Raton Mountains, where he years ago fixed his abiding place. He has a fine large house, and entertains all who come that way, with generous hospitality. He has been married four times, and up to 1875 had eight children living.

At last accounts Uncle Dick was in Chicago, arranging for the publication of his memoirs, that tell all the material details of the years he has passed on the border, with innumerable romantic incidents, and which, it is hoped, will soon be given to the public.

General William Larimer, one of the founders of the city of Denver, and for whom one of its principal streets was named, was a native of Pennsylvania, a politician of note in that State in early life, one of the original Abolitionists, and actively supported James Birney for the presidency in 1840; was at one time a candidate for Governor and narrowly escaped an election. Before his emigration to the West he was engaged in banking, but became seriously involved in railroad building, which cost him his fortune. In 1855 he settled in Nebraska just above the junction of the Platte River with the Missouri, where he laid out a town and called it "Larimer City." It proved a failure. He then

removed to Leavenworth, Kansas (1857). In 1858 he united with the original Kansas party for the Pike's Peak gold region, arriving on Cherry Creek in October, encamping on the then wholly vacant site of East Denver, the spot being under a cottonwood tree that stood on what is now Blake street, near the old Palace theater. As already stated, he was one of the originators and most active members of the Denver Town Company. At the outbreak of the Rebellion he rendered valuable assistance in recruiting troops, and was made Colonel of the Third Colorado Regiment, which, not being filled, was consolidated with the Second Regiment. He left Denver in 1864, returning to Kansas, where he raised and commanded a regiment of Kansas Volunteers. He was a kind and generous man, well beloved by all who knew him. When the Territory of Colorado was organized in 1861, General Larimer's name was presented to President Lincoln for the office of Governor, but by the stronger influence brought to bear in favor of Col. William Gilpin, the latter was chosen.

Gen. Larimer died at his residence in Delaware Township, Kansas, May 16th, 1875, in his 68th year.

Lucien B. Maxwell, known all over the frontier as the owner of the celebrated "Maxwell grant," was one of the more prominent of American settlers in Colorado and New Mexico, and notably identified with the later years of their progress. Maxwell was a pioneer guide, and for many years a hunter and trapper, contemporary with the Bents, Sublette, Fitzpatrick, Williams, Uncle Dick Wooten and others who won renown in the years ante-dating the appearance of the present generation on the field. He was a quiet, thoughtful, reticent man, inflexibly honest, unassuming, but brave and royally generous, a friend whom none relied upon in vain. Maxwell acquired great wealth by the acquisition of the immense tract of valuable land which bore his name, and which he covered with flocks of sheep and herds of cattle. Born at Kaskaskia near the Missouri River, he made his first pilgrimage to New Mexico in 1841, and took up his residence in Taos. In 1844 he married a daughter of Charles Baubien; was with one of Fremont's

expeditions, and subsequently took up hunting and trapping as a means of subsistence. He purchased the Miranda and Baubien grants in 1847; built the town of Rayado, that assumed the dignity of a military post from 1847 to 1850. In 1857-58 he laid out the town of Cimarron; sold the Maxwell grant to J. B. Chaffee and Wilson Waddingham in 1869 and then purchased the site and improvements at Fort Sumner, New Mexico. Maxwell died at his home near Las Vegas about the 1st of August, 1875.

An Idyl of Blue Lizard Gulch.—Not vouched for, but probably true, at all events interesting, rescued from an old file of the Rocky Mountain "News."

Jim Barker, a well-known character who lived at the head of Blue Lizard Gulch, had been elected a justice of the peace for that section of El Paso County. Mike Irving was the constable of the court. One day Jim convened his tribunal of justice to hear the complaint of one Elder Slater, a peripatetic missionary, who had caused the arrest of one Zimri Bowles, a resident of the foothills, upon a charge of stealing the Elder's one-eyed mule. Zimri had been taken by the constable while in the act of easing the descent of the mule down Mad Gun Mountain by fastening a lariat to her tail, so the proof against him was conclusive. After hearing the evidence, Old Jim's mind was sorely perplexed as to the manner in which the judgment of the court should be pronounced, but finally sentenced the offender to a term of one year in the penitentiary at Cañon City, with the following pathetic conclusion: "An' now Zim, seein's as how I'm about out of things to eat, an' as you will have the costs of this here suit to pay, I reckon you'd better take a turn amongst the foothills with your rifle an' see if you can't pick up some meat before night, as you can't start for the Big Cañon before mornin'."

Zim, awe struck by the majesty of the law, obediently went out as commanded, and in due course captured and brought in one black-tail fawn and a jack rabbit, with which commissary stores he reported to the court the same evening.

Next morning the constable, mounted on his broncho, and the

prisoner astride of Elder Slater's mule, which had been kindly loaned him for the occasion, started across the mountains for Cañon City, where they arrived the second day out, their animals loaded with deer, antelope and a small cinnamon bear, shot en route, and which they sold to the warden. After dividing the money, the officer proceeded to hand Zimri over to the prison authority on the following rather original mittimus:

"To the head man of the Colorado prison, down at the foot of the Big Canyon on the Arkansaw.

"Take notis: Zimri Bouls who comes with this ye're, Stole Elder Slater's one-eyed mule, an' it was all the mule the Elder had, an' I sentenced Zim officially to one year in the Colorado prison, an' hated to do it seein' as Zim once stood by me like a man when the Injuns had me in a tite place, an' arter I sentenced Zim to one year for stealin' the Elder's mule, my wife Lizzy, who is a kind o' tender hearted critter, cum an' leaned her arm on my shoulder, an' says she,—' Father, don't forgit the time when Zim with his rifle covered our cabin from Granite Mountain, an' saved us from the Arapahoes; an' father, I've heerd ye tell that after ye was wounded at Sand Creek, an' helpless, it was Zimri's rifle that halted the Injun that was creepin' in the grass to scalp ye;' an' there was a tear splash fell on the sentence, an' I changed my mind sudently as follows: 'Seein's as the mule had but one eye, and want more'n half a mule at that, you can let Zim go at about six months, an' sooner if the Injuns should git ugly, an' furthermore, if the Elder should quiet down an' give in any time, I will pardon Zim out instantner.

"Witness my official hand an' seal,
in Blue Lizard Gulch, El Paso County in the Territory."

JIM BARKER, J. P.

The upright warden, after informing the constable that he could not receive the prisoner on that kind of a commitment, explained to him that Zimri should have given a bond in the sum of about \$300 to appear at the District Court. Accordingly, Mike withdrew with his prisoner, when it was agreed between them that Zim should give the constable his bond for the amount mentioned by the warden. This was done by Zimri's signing his name to an old replevin bond calling for three hundred dollars, found among the papers handed down to the officer by his predecessor. Then, as Mike intended returning to

Blue Lizard Gulch, by way of Piñon Mountain, to examine a bear den where he had seen a couple of cubs playing the previous spring, he gave the bond to Zim to take back to the Justice. But Zim on his return traded the \$300 bond to a mountain squatter just in from Missouri, for a horse, saddle and bridle, and then broke out for parts unknown.

While the foregoing incident may appear extravagant and wholly imaginary, it is nevertheless true that the records of some of the earlier justice's courts contain opinions and judgments that are even more ludicrous, some of which will appear in due course. Many, indeed most of such courts, were conducted by men densely ignorant of even the simplest forms of jurisprudence, and when called to sit in judgment, formed their conclusions rather with regard to the right of the matters before them as between man and man, than from the precepts of statutes which they were utterly unable to comprehend. Their principal business was to reach the truth, regardless of technicalities or the pleadings of counsel, consequently their rulings were frequently original and unique. If a prisoner were shown to be guilty of murder or theft, the main idea was to punish him then and there, and not permit the case to drag along for years. Whatever penalty was decreed it was made the business of the hour, and promptly executed. If a civil cause, it was adjusted without appeal. Though their ways were rugged, they were rarely unjust.

CHAPTER XII.

REMINISCENCES CONTINUED—FRENCH EXPLORATIONS OF COLORADO AND NEW MEXICO
IN 1739-'40—LIVES AND CHARACTERS OF COL. A. G. BOONE, AND COL. JOHN M.
FRANCISCO—TOM TOBEN'S SLAUGHTER OF THE MURDEROUS ESPINOSAS—SOME
RECOLLECTIONS OF OLD ZAN HICKLIN AND THE REBELLION OF MACE'S HOLE.

I am indebted to Capt. Edward L. Berthoud of Golden, Colorado, for the translation from an old French publication, of the incidents subjoined, extracted from a journal kept by the Mallett Brothers, who made an exploration of the western part of Louisiana in 1739-'40 from the Panimabas River (probably Loup Fork) to Santa Fé, New Mexico, which states that the company, all French and Canadians, started from the point named above, May 29th, 1739. Up to that time every one supposed New Mexico would be reached and found at the head of the Missouri River. Imbued with this idea, some had gone up the Missouri to the Ricaree villages, one hundred and fifty leagues above the Panis (French for Pawnees) villages. The Malletts, however, and their companions, on the advice of some Indians, took an entirely contrary route, the journey beginning in a course nearly parallel with the Missouri River.

"Leaving on the 29th of May, on June 2d they arrived at a river which they named 'River Platte.' Here discovering that it seemed not to deviate from the route selected, they followed it. Passing westward about seventy-two miles, they found it forked, being joined by the Padouca Fork (South Platte). Crossing the latter, they passed over to the Republican. On the 20th of June they came to the Smoky Hill. June 30th they reached a river, probably the Arkansas, above the Purgatoire, where they discovered signs of recent visits by Spaniards. Es-

timating at this place that they had traveled about 400 miles, they concluded that this stream must be a branch of the 'Arkansah' River. Following the left bank, on July 5th they came to a village of Iatan (Comanche) Indians, from whom they obtained some deer. Leaving the river, on the 10th of July they saw the Spanish Peaks. On the 12th they reached the foothills; on the 14th came to a stream which they called Red River, but which they concluded must be a branch of the Arkansah—probably one of the branches of the Canadian in Colfax County, New Mexico. About twenty-one leagues further (fifty-four miles) they reached the first Spanish post, a mission called Picuris. On the 15th they had given three Indians a letter to the Commander of Taos, who had sent to them some mutton and excellent bread. One league before reaching Picuris they were met by a priest, the Commander and a crowd of people, who treated them capitally, ringing bells and rejoicing. On the 21st they started from Picuris for Santa Fé, where they arrived on the 22d, by their count 265 leagues—about 680 miles from the Panimabas. Here they were well treated, but detained nine months, to hear what the Viceroy of Mexico might determine should be done for them, a caravan and dispatches being sent yearly to old Mexico. In the meantime, the French remaining in Santa Fé, were hospitably entertained, and examined by the French commander.

"At length the answer of the viceroy came, and according to the Canadians' report, was desirous of engaging with the Canadians to remain in the country, with the idea of employing them to explore a country to the west, three months' journey in distance, where men clothed in silk dwelt in cities on the shores of the sea. Although the offer was good, our explorers much preferred to return home, which they were allowed to do.

"The Canadians report that Santa Fé is built of mud, has no fortifications, and is inhabited by 800 Spanish and half-breed natives. There are many Indian villages, each with a padre. Eighty soldiers, badly drilled and armed, form the garrison. There are many mines around Santa Fé, but they are not worked. Other mines in the province of

New Mexico are now exploited for the King of Spain, the silver being sent every year by caravan to Old Mexico. The Governor takes possession of all the merchandise brought to the country, and in that way monopolizes trade, while the poor priests and others would like to participate in this trade.

"On the 1st of May, 1740, the party, seven in number, left Santa Fé intending to find the Mississippi River and go down to New Orleans. On the 13th three of them separated from the others and went to the Illinois River. The remainder persisted in their intention to find New Orleans, which they finally reached in safety."

Capt. Berthoud, in commenting upon this expedition, says: "This discovery of a route from Nebraska across our present Colorado into New Mexico, and the return of the seven men to the Illinois River and to New Orleans, explored a vast scope of country, and animated the French government of Louisiana to open by Red River, the Canadian or the Arkansas, a new trading route to Santa Fé and the Western Ocean."

"In 1741 the Sieur Fabry de la Bruyere was sent with fifteen men on a mission westward. He started with the Mallett Brothers, Peter and Paul, two Canadians and some soldiers, ascending the Arkansas to the Canadian, thence up the Canadian on the route to Santa Fé. Water failing them on the Upper Canadian, the party divided and set out to reach Santa Fé by land. After a series of disasters and misunderstandings between Fabry and the Malletts, the expedition failed of success, and the different members under Fabry, Champont, a sergeant of the army, and the Mallett Brothers, returned to Louisiana without having accomplished their object.

"A French official in Louisiana, the Sieur Hebert, remarks in a memoir sent to the Navy Council in France, October, 1717, that the richest mines are to be found only in the highest mountains of Louisiana; that the mines of New Mexico prove this, and that by ascending the Missouri River to its sources, as good as the Spanish mines will be found. The discovery of the rich and extensive mines of Montana

seems to be a curious confirmation of Hebert's theory, formed in the early part of the eighteenth century.

"Again, Diron d' Artaguette, a French officer who had served in America, unequivocally states in a memoir on Louisiana and its situation, written at Bayonne, France, May 12, 1712, that the Arkansas River was already then known to its head waters, information which ante-dated the report of Lieut. Pike by ninety-four years."

Colonel Albert Gallatin Boone.—Napoleon Boone, son of Maj. Daniel Morgan Boone, and direct grandson of the great Kentucky pioneer, was the first white child born in the Territory of Kansas, August 22d, 1828, his father having been appointed "Farmer" for the Kaw Indians early in 1827.

Colonel A. G. Boone was born at Greensburg, Kentucky, April 17th, 1806. He also was a grandson of Daniel Boone. His parents having moved to Missouri, at the age of sixteen he was engaged as clerk to an Indian trading firm among the Osages of Southwestern Missouri. In 1824, he became secretary and bookkeeper for Gen. William Ashley's trading expedition to the Rocky Mountains, and with others encamped on the present site of West Denver. The company comprised three hundred men. They came up the Platte River. Col. Louis Vasquez, who afterward established a trading post at the mouth of Vasquez Fork (now Clear Creek), as set forth in our first volume, was a member of the expedition. They passed the winter of 1824-'25 hunting and trapping in the Middle Park and many parts of the mountains of Colorado and Wyoming, subsequently passing westward through the Salt Lake Valley and the mountains thereabouts, and finally to Puget Sound. In the Wahsatch Range near the present site of Salt Lake City, Ashley's party encountered under the command of a British Major named Ogden, a company of trappers in the interest of the Hudson's Bay Company. The Americans promptly relieved them of their furs and ordered them off United States territory, back to the British Possessions where they belonged. In due course Ashley's hunters and trappers returned to St. Louis with the vast quantities of furs they had gathered.

Col. Boone afterward made several journeys to the Rocky Mountains. He had acquired a pretty thorough knowledge of most of the Indian tongues; was employed by Gen. Lewis Cass, then Governor of Michigan and the Indian Territory, in which was included what is now the State of Wisconsin, in government service among the Indians, where he remained until 1833. In 1831, he served on the staff of Gen. Henry Dodge in the Menominee War, and also in the Black Hawk War of 1832-'33. In 1849, and until 1855, he had a trading post among the Osages in Kansas, and built the first warehouse at Westport Landing, where Kansas City now stands.

In 1860, he came to Denver and established a store on Blake street between F and G (now Fifteenth and Sixteenth) streets. A short time afterward he was appointed Special Commissioner to negotiate a treaty with the Cheyenne and Arapahoe Indians, which he successfully concluded at Bent's Fort, in 1861. This was known as "Boone's Treaty," and secured the relinquishment of the Indian title to the lands lying east of the mountains, for which he was promised by the officers of the federal government, proper compensation, but it was never paid. Subsequently he moved to a point on the Arkansas River now known as Booneville, twenty miles below Pueblo, where he established his home and served as postmaster for some years. In 1865 he took a contract from the government to put up seven hundred tons of hay for the military posts, but the officers cut him down to two hundred. He prosecuted the case, but the claim was never paid.

Col. Boone died in Denver, July 14th, 1884, at the residence of his son-in-law, Mr. B. D. Spencer, 343 California street, aged seventy-eight, the last of a noble race, and a fit descendant of famous ancestors. He left five daughters,—Mrs. H. W. Jones, then residing in Pueblo, Mrs. John Barnes of La Veta, Mrs. Col. Elmer Otis, whose husband was then commanding the post at San Antonio, Texas, Mrs. B. D. Spencer of Denver, and Mrs. Capt. Charles Hobart, whose husband was then stationed in Montana. On the last day of his life he was visited by Jim Baker, the aged mountaineer.

Perhaps no higher tribute could be paid in few words to the life and character of Col. Boone than that written by his old friend and admirer, Gen. Bela M. Hughes, who said: "He has been in the service of the United States in various positions of responsibility on the frontier for fully half a century, intrusted with important duties as an Indian agent, commissioner to treat with the wild tribes on the plains, and as a disbursing officer of the government, in all of which stations he was distinguished for his intelligence, fidelity and rare ability as an officer. Col. Boone possessed all the simplicity of character and manners which marked his honored grandsire, mingled with unsurpassed courage in danger, and manly integrity in all his transactions with the government and his fellow men. No man in the West was more beloved for his noble qualities than Col. Boone; and indeed, it may well be said of him, that true as he has ever been to his duty as a citizen and a public servant, and in all the relations of his private life, he stood out as a model for the rising generation, a man without stain or blemish, without fear and without reproach."

*Col. John M. Francisco** is a prototype of the old school of Southern gentlemen, who were the lords of the land in the early part of the present century, and of whom only a few survive. He was born in the county of Bath, Virginia, near the celebrated Warm Springs, and emigrated to Missouri in 1836. It is a fact worthy of note in passing, that most of the pioneers of the West who have been renowned in history, romance, song and story for the perils they have encountered, for the battles fought and won, for the trails they made and the expeditions they guided, were natives of Virginia or Kentucky, and that the road to their exploits began upon the borders of Missouri. It may be ascribed to the fact that that State was the seat of the larger fur companies, where American, Canadian French and Creole voyageurs congregated, and whence the Chouteaus, Ashley and others who traded with the Indians of the plains sent out expeditions, and built a cordon of outposts extending from the Mississippi to the Rocky Mountains of the north

* See Portrait, Vol. I, page 512.

and west. It was the center of such traffic and its representatives of every grade. The commerce of the prairies had its inception there; Pike's, Long's, all of Fremont's, Lewis and Clarke's and the Gunnison expeditions began in St. Louis, where was the home of the immortal Benton, who steadfastly aided and encouraged them, and who, pointing to the West across the plains and mountains, to the occident, declared in tones that electrified the nation, "There is the East, there is India!" In Missouri originated the substantial influence which proclaimed the necessity of a Pacific railroad, and hammered away at the proposition with unfaltering energy until it was adopted by Congress, and all but one of the roads since built have their initial stations within her borders. The first transcontinental stage lines, and the famous Pony Express originated there.

In May, 1839, Col. Francisco became interested with three others in an extensive merchandise train laden with goods for Santa Fé. There were twenty-five teamsters with the train. They pursued the established trail, and after numerous harassments from Indians en route, who frequently attacked them, they arrived in Santa Fé in the early part of August. The road being comparatively new, they met with many obstacles, but the exercise of constant vigilance and care took them through without loss. Francisco returned to Missouri the same year, where he remained until 1845, when he went to Wisconsin for a short time. In May, 1848, he started on a second excursion to New Mexico, this time with a larger party than before. They experienced some difficulty in repelling bands of hostile aborigines, but accomplished the distance in sixty days. From Santa Fé he went to Chihuahua, Old Mexico. Returning in October of the same year, he carried on various business operations in the northern part of New Mexico.

In 1851 he became sutler to the military station known as Fort Massachusetts, in the San Luis Valley, where, and at Fort Garland, its successor, he remained until 1862. His last abiding place was in a beautiful spot near the head of Cucharas Creek, where he built a fort, now the center and nucleus of the pretty town of La Veta, a landmark

which he still occupies, and where his friends find welcome. Among his old and trusted companions, were Ceran St. Vrain, Lucien Maxwell, Dick Wootten, Thomas Boggs, Tom Toben, R. B. Willis, Kit Carson, in short, all the old cohort of pioneers. Of Carson he speaks in the most exalted terms, saying he was "the most remarkable man, and doubtless the best frontiersman that America has produced. From him, in his councils with the Indians, and my frequent travels with him, I obtained the knowledge of Indian character which was extremely useful to me on many occasions, in my lonely trips by day and night in those early and perilous times." Of Tom Toben, "the slayer of the last of the murderous Espinosas, and who stood side by side with Carson in many hotly contested engagements with Indians," he speaks with unqualified praise.

Col. Francisco was nominated for delegate to Congress from Colorado by the Democrats in 1862, but was unsuccessful, and has not since engaged actively in politics. When the Denver & Rio Grande Railway was pushed on to the foot of Veta Pass, the engineers and the builders found him there, a lonely but satisfied settler in the wilderness, and who did not fully relish the idea of having his peaceful and beautiful solitude invaded by iron rails and snorting steam horses. But they soon built up around his comfortable fortress one of the loveliest hamlets in the State, to which he has now become fully reconciled.

In the fifty years he has passed upon the frontier, battling with all the rude conditions of such a life, he has lost nothing of the courtliness of speech and manners which distinguished his progenitors, and which has distinguished him in a marked degree through all his intercourse with men. While leading the life of a recluse and a wanderer, apart from all the refinements of society in which he was born and bred, and which so many have forgotten, he has never for an instant abandoned the course and habits of the true gentleman. His home is the center of bountiful hospitality to all who enter it. His name is as familiar as household words to every old settler, and thousands of the later generation. It has been written that character creates confidence in all the

relations of life. By the excellencies of his character this man has won the confidence of all men. While he has not achieved remarkable successes, he has at least achieved a name that is loved and respected throughout the land.

Tom Toben. In Volume I, page 381, brief mention is made of the exploit whereby Toben* by his bravery and extraordinary skill in trailing, destroyed the last of the Mexican bandits, whose assassination of wayfarers along the isolated roads of Southern Colorado, the San Luis Valley, in Fremont, El Paso and Park counties spread greater consternation among the people than any other event in our annals, because of the secrecy of their fiendish operations and the impenetrable mystery which for a long time enveloped the perpetrators, and the motives which impelled them. A friend who is conversant with the facts, promised again and again to prepare them for me, but failed to do so, owing to the pressure of business engagements, hence after waiting until the last moment, I was compelled to send the volume to press without them. It was so manifestly unfair to Toben that his part in the heroic work should be left to stand in history with only the meager details presented, I applied to Col. J. M. Francisco, his confidential friend and counselor, and from him received the account related to him by Toben, immediately after the occurrence which forms the basis of this sketch.

Tom Toben was a noted scout, guide, Indian fighter, hunter and trapper, the greater part of his life having been spent in those pursuits. He was for some time employed by Col. William Gilpin in trailing hostile Navajos, away back in the "forties," and later by other military commanders. He possessed great skill and courage, was a dead shot with his old muzzle loading rifle; strong, hardy, inured to every form of privation, intelligent and cunning, therefore a valuable assistant in the service to which he was so frequently called. He is an old man now, his favorite occupation wholly gone with the extinction of game and the Indians, but still hale and vigorous, passing his last years in the quiet of his home in the San Luis Valley. While he has had many daring

*Erroneously given as 'Tobins.' The correct orthography is Toben.

adventures, and been the hero of many thrilling scenes, the one which brought him greatest fame, and over which all the people rejoiced with exceeding gladness, though they failed to reward him as he deserved, was that which is now to be related :

The two Espinosa brothers, natives of Mexico, crazed by religious fanaticism, ranged along the infrequently traveled roads leading into the mountains from the southwest, killing every white person with whom they came in contact. As set forth in our first volume, the principal actor was slain by Capt. John McCannon's party, but the more agile brother escaped, and after concealing himself for a time, reappeared with a boy, his nephew, and recommenced his career of blood. Governor Evans and the friends of his victims offered large rewards for the head of this Espinosa, which induced several parties to search for him. His whereabouts were discovered by the following circumstance : He and the boy made an attack upon a man and a woman who were traveling in a buggy drawn by mules, at a point twelve to fourteen miles from Fort Garland, near the Sangre de Cristo Pass. The man was an American, the woman a Mexican. The Espinosas fired upon and killed the mules, evidently not intending to kill the occupants of the vehicle at that time. The man escaped and fled to the Fort. The woman was captured, but being of their own race, she was soon released and also fled to Fort Garland. When the story of the attack and the hiding place of the outlaws was told, the commanding officer immediately ordered out a detachment of troops to go in pursuit, engaging Toben as guide. On reaching the spot where the attack was made, Toben experienced great difficulty in discovering the trail, as the Espinosas were on foot, and moccasin shod, but the skill of the old hunter soon found a faint trace and followed it through the grass, bushes and fallen timber, a task which none of the party save himself could have accomplished. Not a footprint was visible, no sign but an occasional blade of grass turned from its natural position, a bent or broken twig, had he to guide him, yet he knew the trail was there. He followed it with the keen instincts of the bloodhound for several miles, the soldiers close at

his heels, until he discovered in the air a number of magpies hovering about a thicket, as if scenting in its depths preparations for a meal, which at once advised Toben that the camp of the murderers was close at hand. He knew the habits of the birds, and the meaning of their acts and cries. Warning the soldiers to absolute quiet, he threw himself upon the ground, and crawling slowly and cautiously so as to give forth no sound, the soldiers behind him in the same position, he approached in this manner the thicket, and peering through, discovered the Espinosas in the act of cooking some meat. Turning his head he whispered back to the officer in charge of the men, "I will shoot the old man; you and your men take care of the boy," then taking deliberate aim at the heart of the elder Espinosa, he fired. The man leaped into the air with a shriek and instantly fell dead. The boy started to run. The soldiers fired at him, but without effect, seeing which the old hunter with marvelous celerity and skill, reloaded his rifle and instantly dropped the boy. He then rushed into the camp, whipped out his knife, cut off their heads, and with other trophies found upon the bodies, marched back to Fort Garland and presented them to the officer in command.

"The reward offered by the Governor was never paid, to my knowledge," says Col. Francisco, "and the only thing in my opinion that Toben ever received, was a silver mounted rifle, donated by private individuals. The legislature of the Territory endeavored to do something for him, but what was done, if anything, I am not prepared to state. His only fault was his recklessness in an Indian fight. While the enemy was in view he seemed to regard the battle as individually his own."

In the summer of 1889, Col. George L. Shoup, now and for many years a resident of Idaho Territory, but from 1861 to 1864 one of the bravest officers in the First Regiment of Colorado Volunteers, and who afterward commanded the Third Regiment of Colorado Cavalry at the battle of Sand Creek, in recognition of Toben's worth as a man, scout and guide, but more especially for his distinguished service in ridding

the world of the bloody butcher of his (Shoup's) brother, who, with a companion named Binkley, was murdered by the Espinosas in the Red Hills of the South Park, sent Toben, through Capt. L. V. Cutler, editor of the "Field and Farm" in Denver, a draft for two hundred dollars. This, so far as known, is the only substantial reward the heroic Toben has ever received, except the rifle mentioned by Col. Francisco, but he is entitled to the everlasting gratitude of the people, and it would seem that some more fitting appreciation than mere panegyric, should be granted him, in his old age, and in his poverty.

SOME MEMORIES OF OLD ZAN HICKLIN AND THE REBELLION AT MACE'S HOLE.

By the courtesy of Mr. D. Ellis Conner, of Covington, Kentucky, who was among the first immigrants to the gold regions, and kept a diary *in extenso* of the more remarkable incidents of his experiences and observations in the Rocky Mountains, I have been furnished a large collection of manuscript notes, chiefly relating to the original discoveries of gold in Georgia, French and other gulches thereabouts, with some stirring incidents of that memorable period, and among them some personal reminiscences of old Zan Hicklin, and the rebellion at Mace's Hole, in 1861-'62, all of which he vouches for as being strictly true.

It appears from these notes that soon after the first news of the war reached the gulch, and there began to be something of an upheaval between the opposing parties of secessionists and Union men, Mr. Conner left the mountains, and proceeded to Hicklin's ranch, which was the outpost for the rebels who were congregating at the general rendezvous,—“Mace's Hole,” where Col. John Heffner was organizing a regiment for the Confederate army, and contemplated the capture of Fort Garland as the beginning of his campaign. He states that at one time Heffner had about six hundred men concealed at this rendezvous, but none of them were uniformed and only a portion supplied with arms. A government freighter named John Sowers, arrived on Apishapa Creek in the fall of 1861, in charge of a train laden with bacon and other

supplies for General Canby's troops, but instead of going on, he halted there for a month, anticipating Canby's defeat by Sibley's Texans, when he proposed to deliver the stores to the Confederates. But when in the course of events the tables were turned, he hastened to Fort Union and delivered them to the Federals.

Conner, while in Georgia Gulch, was offered and accepted the captaincy of a company of Confederate recruits, not that he desired to enter the army, but merely took this means of getting back to his home in Kentucky. The recruits gathered in the mountains, separately repaired to Mace's Hole, or to Zan Hicklin's, by whom they were directed to the camp. He states that Hicklin guided Federal troops by day, and drove beef cattle to the rebels by night, and operated for some time without detection in the Confederate interest. He knew Hicklin well, but the latter did not know him, nor his purposes.

When the first regiment of Colorado troops marched down to Fort Union, in response to Canby's call, being poorly supplied, they foraged upon the country, pressing into service about everything they could find, and among other movable property, one hundred head of Hicklin's cattle. But it didn't seem to annoy him at all, he simply remarked that he was a guide for the Federal troops; that the government had been very good to him, had always paid him for his cattle and would do it again. He made out his bill for the stock and it was paid in due time, but in some manner nearly all of it escaped the troops, or was abandoned by them in their haste, and it came back to Hicklin's ranch.

Old Zan, from this account, selected Mace's Hole as a gathering place for Heffner's men. He had two stations, one on the Greenhorn which he rented to one Dobson, where mails for the United States troops were received and forwarded. Old Zan moved down the road half a mile or so, and being a bachelor, built a cabin, corrals for his stock, employed Mexican peons for herders, and there continued the business of a stockgrower and farmer. Dobson's nearest neighbor was Bo. Boyce, on the Huerfano. On the Purgatoire, forty or fifty miles to the south, resided Jim Gray, Boyce's brother-in-law. All these men

except Boyce were, in a limited way, employes of the government, but all rather inclined to sympathize with the South, as they were natives of that country. Capt. George Madison, under a roving commission from Gen. Sibley, rode all through the country, and in 1861 captured the United States mail carrier on the Huerfano, destroying the contents of his pouches, and throwing his saddle into the creek just above Boyce's house, where it lay for months. Buckmaster, Sibley's chief of artillery at the battle of Valverde, was subsequently captured, charged with robbing the mail carrier, tried and sentenced to be shot, but pending the execution confined in the military prison at Santa Fé, made his escape by bribing the guard and fled to Colorado, where he raised sixteen men in the fall of 1862, with the intention of going to Texas.

Heffner's regiment was broken up by the Federal troops and scattered throughout the Territory, most of the leaders being captured. Conner states that he was at Dobson's ranch when Col. Slough and some of his men called there in search of rebels, but was neither recognized nor disturbed. The rest may be told in his own words. He says, "I went to Boyce, and there procured a Mexican disguise, consisting of a check shirt, overalls, hat and moccasins. Furnished with secret credentials, I went by night to Dobson's, secreted my old clothes under a stack of corn husks in the corral, proceeded to the door of the house and knocked. After some parleying it was opened. I said I was seeking employment, and was immediately engaged to pull corn. While there I saw Zan Hicklin daily, and while keeping my own counsel, speaking but rarely, and then only in answer to questions, discovered some important secrets. I knew that Col. Slough and his troops wanted me as a rebel, for my name was on their list, so I kept as quiet as the grave, attending strictly to my character of a common laborer in the cornfield, associated with Mexicans. The names of all who were wanted were given to Dobson and Hicklin, who promised to look out for them.

"One day the soldiers left a copy of the Rocky Mountain 'News' at the station. Hicklin, who could neither read nor write, handed it to me

and asked me if I could read. I said No, though I was planning in my mind how to secure and take it out to the field, being very anxious to get the latest information from the war. In the presence of the troops, Zan jokingly called himself 'Old Secesh,' to disarm suspicion, and by the manner in which he did it, succeeded in persuading them that he was loyal to the Union. Hicklin was an excellent judge of human nature, a keen humorist, and an exceedingly clever actor. He could play the clown, or the part of a grave, sedate and dignified gentleman at pleasure. He would laugh and joke at one moment, and be as silent and stately as a graven image the next. To the soldiers he always put forward his silly demeanor, and they regarded him as a half-witted crank, yet he was as cunning as a fox, and when necessary, brave and resolute. He entertained intense disgust for dainty and well dressed people who put on airs. To illustrate :

When he kept the station prior to Dobson's coming, two young men rode up, one well dressed, neat and precise, the other just the opposite, and asked for a night's lodging, which was promptly granted. Zan measured them up, and laid his plans accordingly. The nice young man gave his horse to the Mexican servants to be cared for, while the coarse, gruff fellow went out to the stable and took care of his own animal. At the table the dude waited to be helped, while his companion, disdaining assistance, reached all over the table and helped himself. Next morning the dude politely asked for his bill, and was told it would be exactly seven dollars. The rough one, who had just returned from the stable, made the same inquiry and was charged only a dollar and a half. Surprised at the difference, the first inquired of Hicklin if he had any objection to explaining why he was charged seven dollars and the other only one fifty. Old Zan, looking him squarely in the eye, said: "Certainly not. Your friend rustled around and helped himself, and it took all the folks about the ranch to wait on you, and then it wa'n't more'n half done."

On another occasion two gentlemen stopped there for the night. Just at dusk they espied an old hunter named Jones, a friend of Hicklin's



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coming in from the plains on horseback, carrying before him on the saddle a carcass wrapped in a white sheet. When Jones rode up, Old Zan, resolved on playing a huge practical joke on the strangers, to whom he had taken a deep dislike, with a furtive, suspicious manner rushed out and beckoned him round to the back of the cabin. In an instant Jones divined that the old man was up to some trickery, and promptly obeyed the signal. Hicklin took the carcass, which was that of a fine fat antelope, from the horse, and carrying it to the back room, began a whispered conference with Jones, and by his mysterious movements excited the attention of his unwelcome guests, when in a loud whisper, every word of which was clearly audible to them, he asked, "Why in the devil's name did you shoot an old scraggy and tough Arapahoe buck when you know they're not fit to eat at this time of year, and it'll take as much lard to fry it as the poor old Indian is worth. Why in hell didn't you get a Ute, as they're all fat and juicy?"

The strangers took it all in, and knowing nothing of the humorous propensities of their host, their feelings may be more easily imagined than described. The conspirators having satisfied themselves that the scheme would work as intended, prepared for the next scene in the improvised drama. Jones left to put up his horse, and "Old Secesh" went in to entertain his guests, who were stricken dumb with astonishment and fear. But Hicklin could be fascinatingly polite and agreeable when he had a pet purpose in view, and on this occasion fairly outdid himself. His auditors, however, remained frigidly unresponsive; they were too deeply horrified to talk at all.

In due time supper was announced, and when seated at the rude table, Old Zan pressed them to partake of some fine antelope, just that day killed, extolling it as the sweetest and most delicious of all game meats, rattling away glibly about its excellence, etc., etc., but his guests could not be deluded into eating an old scraggy Arapahoe Indian, however adroitly disguised, so they remained silent witnesses of the diabolical cannibalism. Old Zan expressed the deepest regret that they should be indifferent to the rare delicacy offered them, and, as if cudgel-

ing his brain for a reason, finally hit upon the suggestion that they were Catholics, and this being Friday, humbly begged pardon for insisting. One of the strangers said Yes, he was a Catholic, but the other more honest, declared that he wasn't much of a meat eater anyhow. The upshot of the supper was, that while Old Zan gorged himself with antelope, the others ate little or nothing. Next morning, after a wakeful night, they departed in great haste, evidently glad to escape from what they believed to be a den of murderers.

On another occasion a spruce young man rode up to the ranch late in the afternoon, and inquired how far it was to Fort Garland. Hicklin promptly pointed off toward New Mexico, and said: "Do you see that big range over thar?"

The stranger nodded.

"Well, that is about one mile from here, and when you git on that thar ridge, you will be in sight of the fort, jist on the other edge of a nice sloping lawn." Then added, "The sun's 'bout 'nour high, and you can easily make it by dark."

The young man thanked him and rode away, in blissful ignorance that Fort Garland was forty miles distant by the nearest trail.

Hicklin was generally courteous to his guests, but if he didn't like them, something was sure to happen before they left. He employed the mysterious whispering scheme on two other men who stopped with him, saying to Jones, loud enough to be heard, "Wal, it's no use to murder them for their money, because all them nice dressy fellows hardly ever have any, so we might as well let 'em go." The men silently arose in the night and made what they undoubtedly deemed a hairbreadth escape from slaughter. Next morning old Zan, who had witnessed their stealthy proceedings, cautioned Jones to be careful how he fired into the next herd of antelope, as he might hit the d—d fools who ran away the night before.

He was accustomed to saying, when talking with trusted friends and sympathizers, that if the officers in command of the Federal

forces engaged in fighting the South were as stupid as those he had seen in Colorado, they couldn't conquer Dixie in a hundred years.

Nevertheless, some of those same officers caught him at last. After Heffner's regiment had been dispersed, the federals discovered traces which pointed directly to Hicklin as their aider and abettor, so they arrested him, and were making preparations to lock him up, when, resorting to his most effective jocular tactics, he marched up to the commanding officer, and, slapping him on the shoulder, in a low, pleading voice began:

"Now, Kurnel, you know I ain't no rebel. You got me into this scrape an' you kin git me out. Now, Kurnel (laughingly), don't go an' git jellus 'cause me an' my Mexicans made it too hot for them rebels at Mace's Hole, to stay in the kentry. They seed I was on ther tracks, an' was about to hunt 'em down, when they got up an' lit out. You'd never've found 'em in a year, Kurnel. The guvment's always bin good to me, an' I can do it a heap o' good yet. Now don't git jellus, Kurnel, fur you kin have all the credit, if me an' my men did run 'em off."

He continued for some time in this strain, when the officer told him he could get out only on certain conditions.

"Name 'em," says Zan.

OFFICER. "Why, by taking the oath of allegiance to the United States, to be a loyal and good citizen, and stick to it."

ZAN. "Take what, Kurnel?"

OFFICER. "Take the oath of allegiance."

ZAN. "Wal, now, Kurnel, what kind of a thing is that?"

OFFICER. "Why, solemnly swear to support the Constitution of the United States, and not to aid or encourage its enemies."

ZAN. "Swar me!" raising his left hand way above his head as high as he could possibly extend it, and looking both grave and inexpressibly foolish.

The officer called a lieutenant to come and swear Hicklin. He pulled out the long printed ironclad oath, and facing Zan, ordered him

to hold up his right hand. Up went the left again, higher if possible than before.

"No, no," said the lieutenant, "put up your right hand," which he did, but without lowering the left, and thus remained, both hands pointing skyward, and standing almost on tiptoe, in his effort to get them high enough, his face the picture of innocence and patience. He was finally induced to lower the left and listen to the reading of the oath. At the end, after a moment's silence, drawing a long breath, he asked :

"Kurnel, does that let me in?"

OFFICER. "In to what?"

ZAN. "Why, into the Union."

OFFICER. "Yes, that lets you in."

ZAN. "Clear in, Kurnel?"

OFFICER. "Yes, and see that you live up to it."

ZAN. (Joyfully.) "My God, Kurnel, I feel just like I'd got religion."

Conner's real character and purposes were not known to, nor even suspected by any one about Hicklin's ranch. He writes: "While pulling corn one day with a Mexican fellow laborer, I discovered at a distance out on the road, a man wandering about aimlessly, and thinking I had seen him before, I went down and boldly accosted him as Buckmaster, Sibley's chief of artillery, He denied it for a time, but finally admitted his identity. I made an arrangement to go to Texas with him and sixteen companions who were encamped in the mountains above the Greenhorn, awaiting an opportunity to get out without discovery by the Federals. I was to meet him at Apishapa Cañon, more than sixty miles away. Soon afterward he passed on, while I went straight up the creek to Zan Hicklin's house. The old man stood out near the road looking grave and anxious, as if watching for some one. I said to him, 'Mr. Hicklin, did Bo Boyce request you to keep a good horse ready saddled and bridled for any one?' He turned on me with almost startling suddenness, and with flashing eyes, replied :

“‘What in h—ll is that to you, sir?’ then added, ‘I suspect you are one of those Mace’s Hole rebels, and if you don’t get out of this country pretty quick, I’ll report you to the government.’

CONNER. “‘And I will report *you* to the government for driving beef cattle and taking other supplies under cover of night to those same rebels at Mace’s Hole.’

“Surprised and indignant, he straightened himself to his full height,—he was naturally very tall and slender,—and austere demanded my name and business, saying, ‘Ain’t you the man who has been up to Dobson’s for some time, and that nobody supposed was able to talk?’ I replied, ‘Yes, sir, I’m the man,’ when he exclaimed, ‘I believe you are an infernal spy, sir!’

“Without further words I quietly drew out a small scrap of paper covered with hieroglyphics, utterly meaningless to any but those for whom intended, that had been given me by Boyce, to be delivered to Hicklin when I should need the horse, and handed it to him. He looked at the paper, scanned it carefully and then looked searchingly at me, as if to assure himself there was no mistake about it, then smiled and said, ‘You d—d impostor,’ adding after a moment, ‘Yes, the horse is ready.’

“In ten minutes the animal was at the door equipped for a journey. It seems he thought that Boyce intended the horse for Buckmaster’s use, for he inquired of me, ‘Did you know that Buckmaster was out of the Santa Fé prison, and is now safe in Colorado?’ I replied that I had seen and talked with him less than half an hour before, and that I had arranged to go to Texas with him. Leaving the horse to be fed, I returned to Dobson’s, went to the pile of corn husks in the corral where my ordinary dress had been secreted, put it on, left my Mexican disguise in its place and went back to Hicklin’s. Next morning at daylight I was on the Purgatoire. On my way I stopped at several ranches, whose occupants I knew, where, by simply presenting my cipher credentials, I was cared for. There seemed to be a perfect understanding of my mission and no questions were asked, except such as I could readily answer.”

Conner did not go to Texas, however, but to Arizona, where he remained until after the war, and then settled in his old home at Covington, Kentucky. His notes on early gulching days in Summit County, will be given at another time.

One other anecdote of Zan Hicklin, and we are done.

At one time when the troops at Fort Garland were suffering from scurvy for the want of fresh vegetables, the Commandant inquired of Hicklin if he had any. "Yes, tons of 'em going to waste. Send your wagon over and I'll load it up for ye," replied Zan, with the merry twinkle in his eye which always foreshadowed a practical masquerade.

A short time afterward a government wagon with six mules, attended by a detachment of soldiers in charge of a sergeant, appeared at the ranch. Old Zan dismissed the soldiers, telling them to amuse themselves about the house while he and his Mexicans were loading the wagon. He took it to the field, and after a time returned with it, the top ingeniously thatched over with cornstalks and husks, "to protect the vegetables below," he said. The sergeant thanked him profusely for his generosity and hospitality, and returned to the post with his precious consignment of fresh commissary stores. Fancy the astonishment of all concerned, and the chagrin of the commanding officer, when, the stalks and husks being removed, nothing was found but a lot of corn in the ear and—pumpkins.

It was some time before they caught Old Zan again, but when they did, and charged him with the trick, he meekly replied, "'Pon honor, Kurnel, I sent you all the vegetables I had."

A volume of tales might be written of Old Zan Hicklin, for he was one of the most noted characters in all Southern Colorado, but these must suffice for the present. As to the rebellion at Mace's Hole, it was nipped in the bud by the vigilance of the Federal officers. Some of the recruits may have joined the Confederate army, but the majority scattered to the different towns and mining camps in Colorado, New Mexico and Arizona, their hopes dashed to pieces by the overwhelming defeat of Sibley's Texans by the Colorado First Regiment.

The hideous title, "Mace's Hole," given by the old trappers, was long ago supplanted by the romantic designation, "Beulah," or Pleasant Land. It is one of the loveliest parks in Southern Colorado, situated at the debouchure of the San Carlos, or St. Charles River from the mountains. For many years it has been the chief summer resort and watering place of Pueblo and other southern towns, and is second only to Manitou in picturesqueness, and the number and excellence of its mineral springs.

A number of pretty cottages have been built there, the springs improved, and the romantic spot artificially beautified. In the process of years, by frequent additions it will be a very charming resort, where not only tourists bent upon pleasure, but many invalids in search of health, may find recuperation in the free use of its curative waters, while the eye is refreshed by the beauty of its environment. The old generation of hunters and trappers made it one of their principal rendezvous, and the Indians held it in high estimation as a camping ground.

CHAPTER XIII.

PREPARATIONS FOR THE ADMISSION OF COLORADO INTO THE UNION—THE BILL PASSES THE HOUSE—HEAVILY AMENDED IN THE SENATE—OBJECTIONS OF EASTERN PEOPLE—SHARP EDITORIAL STRICTURES ON THE COUNTRY—PERSISTENT OPPOSITION—THE LONG FIGHT IN THE SENATE—M'COOK'S EFFORTS TO DEFEAT THE BILL—INFLUENCES OPERATING FOR AND AGAINST IT—A MIGHTY BATTLE IN THE HOUSE—MR. CHAFFEE'S SPLENDID GENERALSHIP—THE MEN WHO CARRIED THE MEASURE—M'COOK RESIGNS AND JOHN L. ROUTT IS APPOINTED GOVERNOR—AN ALLEGORICAL PICTURE—COLORADO ADMITTED—GATHERING OF POLITICAL HOSTS.

Impelled by the friendly attitude of the President, and the urgency of the recommendation contained in his message to Congress, Hon. Jerome B. Chaffee, delegate from the Territory, on the 8th of December, 1873, introduced a bill for an act to enable the people of Colorado to form a State government, and it was referred to the Committee on Territories, of which he was a member. This bill had been very carefully prepared. It was reported back to the House and passed by that body without material opposition on the 8th day of June, 1874, and thereafter sent to the Senate. Then ensued the long vacation.

On the 24th day of February, 1875, at the expiration of the "morning hour," the Colorado bill was called up as part of the unfinished business of the previous session, taken from the files and considered in committee of the whole, when Senator Hitchcock, in a brief but very earnest speech reviewing the internal affairs of the Territory, its resources, development, etc., urged its passage upon the assumption, which appeared to be well founded, that the population was nearly 150,000—an extravagant estimate, by the way, but in the absence of census figures or any other well authenticated statement, sufficient for the main purpose,—and as the assumed lack of a large population

seemed to be the only objection to its admission, and as a number of States had been accepted with less, it was hoped the bill would pass. But some of the Senators had been looking up the census returns of 1870, and had found there that in that year the total population of Colorado was only about 40,000, hence it was difficult to persuade them that it had been increased to 150,000 in four years. A lengthy debate ensued. Senator Sargent of California, between whom and Mr. Chaffee there existed some acerbity of personal feeling, raised numerous objections to the measure as it came from the House, and was prepared with a batch of amendments which he proceeded to offer *seriatim*. The first related to the rather munificent land grants provided for, and also to the section which provided that five per cent. of the proceeds of sales of public lands in Colorado, which had been or should be sold by the United States, prior or subsequent to the admission, should be paid to the State for internal improvements. He then moved to strike out the provision and leave it to read that five per cent. should be paid upon lands sold subsequent to said admission. This being agreed to, he moved to amend the twelfth section by adding a proviso that the section should not apply to any lands disposed of under the homestead laws, or any now or hereafter to be reserved for public uses. This having been agreed to, he moved a further amendment, inserting the word "agricultural," so as to make it read "five per cent. from the sales of agricultural lands," and this was agreed to.

Next Senator Hager secured an amendment excepting all mineral lands from the operation of the act. As if these alterations were not sufficient, Senator Edmunds offered an amendment providing that the proclamation to be issued by the Governor, ordering an election of members of the constitutional convention, should be published within ninety days next after September 1st, 1875, instead of ninety days after the passage of the bill, and fixing the election to adopt or reject the constitution for the month of July, 1876, both of which were adopted. Then Mr. Hager moved to amend the section which provided that fifty sections of land for public buildings in the State should be selected with

the approval of the President of the United States, and it was agreed to. Mr. Ingalls of Kansas, moved to amend the 13th section so as to make section 2378 of the Revised Statutes applicable to the State when admitted, instead of the act of September, 1841, entitled "An Act to appropriate the proceeds of the sales of public lands, and to grant pre-emption rights," etc., etc. Agreed to.

After the rejection of one or two other amendments, the bill, having been thus overhauled, revised and tinkered to meet the views of the various objectors, was reported to the Senate and passed, yeas 42, nays, 12. Later, a similar bill drawn by Stephen Elkins, for the admission of New Mexico, which had passed the House about the same time with the Colorado bill, was taken up and the amendments attached to the latter measure were added, on motion of Senator Sargent, when it also passed.

Senators and Representatives from the seaboard States, jealous of their power and constantly apprehensive of the growing importance of the West and its encroachments; regarding Colorado as simply an ephemeral experiment based upon fictitious representations of its resources and development, without other material advantages than small areas where the pursuit of mining yielded only indifferent returns; destitute of agricultural lands, and lacking the essential pre-requisite of a numerous fixed population for the successful establishment and maintenance of an independent government, and therefore practically disqualified from exercising the rights and responsibilities of statehood, were strongly prejudiced against it, and but for the personal endeavors sagaciously and forcefully put forth by Mr. Chaffee, would have defeated the measure, as they had several of its predecessors.

To illustrate the intense hostility of the Atlantic States, it may be mentioned that during the progress of the bill, some of the more influential newspapers published many sarcastic references to the Territory. For example, one of the leading journals of Pittsburg observed with caustic severity,—“Colorado is one of the most intelligent manifestations of the spirit of Territorial enterprise we have ever had. The discovery of gold and the profligate scenery of the spot is its entire fortune.

Gen. Denver, in whose honor the capital town is named, is now a prosaic claim agent in Washington. Colorado consists of Denver, the Kansas Pacific Railway, and—scenery. The mineral resources of Colorado exist in the imagination. The agricultural resources do not exist at all.”

Most of the Western, and a few of the Eastern papers, whose editors and representatives had acquired some actual knowledge of our conditions, sustained the movement, but the people generally of New York, New England and Pennsylvania, were unable to divest their minds of a certain aristocratic, illiberal preconception of the wild, lawless, constantly shifting nature of the inhabitants of lands beyond the Mississippi. Hence, they were, naturally enough, uncompromisingly opposed to the admission to their rather exclusive family table of mere inchoate colonies without development, wholly devoid of culture, education, or the refinements which were necessary to proper recognition and a share in the privileges, bounties and power that had come to them as a sort of divine right. A fair reflex of these sentiments was editorially expressed by one of their periodicals, in this form: “There is not a single good reason for the admission of Colorado. Indeed, if it were not for the mines in that mountainous and forbidding region, there would be no population there at all. The population, such as it is, is made up of a roving, unsettled horde of adventurers who have no settled homes, there or elsewhere, and they are there solely because the state of semi-barbarism prevalent in that wild country, suits their vagrant habits. There is something repulsive in the idea that a few handfuls of rough miners and reckless bushwhackers, numbering less than a hundred thousand, should have the same representation in the Senate as Pennsylvania, Ohio and New York, and that these few thousands should have the same voice in our legislation and administration of the government, as the millions of other States. A Territorial government is good enough and effective enough for such unformed communities, and to that they should be confined for a generation to come,” etc., etc.

Similar comments, betraying like ill-nature and deplorable ignorance of the true state of affairs, appeared from time to time, and by their influence confirmed and spread the prejudice among the extreme Eastern States, or as Governor Gilpin is fond of styling them, the "salt water despots."

The Colorado bill had to be carried through the Senate, if at all, toward the close of the short session, as a Republican caucus measure. Senator Morton of Indiana declared that he and others who shared his opinion, would fight it to the last extremity unless the President removed Governor McCook, since the dissensions in the party provoked by his reappointment and mal-administration would inevitably throw the incoming State into the hands of the Democracy. McCook had very foolishly declared that if any Republican could be elected, he would return to Washington as one of the Senators, but he doubted if a Republican legislature could be elected. Morton insisted, and with much force, that as Governor McCook could, and undoubtedly would create further formidable divisions in his party, it would prove the Democratic opportunity to carry the State. The objection was well taken, for the reason that a Democratic delegate to Congress had been chosen at the last election as one of the results of the divisions already created. As politicians, they argued that the Republicans of the Territory having surrendered to the opposition, their prestige could not be regained in time, if at all, to prevent the election of two Democratic Senators.

McCook and his adherents fomented discord on every side. Republican office holders, who had been appointed by Mr. Chaffee's recommendation, were being displaced by new men from the States. Gen. Grant, though repeatedly importuned to send out a new Governor as the one measure of salvation to the Enabling act which he had recommended, and the passage of which he still earnestly desired, hesitated, because it might be regarded as a virtual admission of his error in making the appointment, and his insistence on the confirmation, and impliedly a vindication of Mr. Chaffee's crusade against him.

At length, when he discovered from indisputable evidence that the

bill could not be passed without the sacrifice of McCook, he yielded to the entreaties of his best advisers, and demanded his resignation. Meanwhile, the Governor wrought persistently, though not very effectively, against the bill. His influence lay, not so much in what he was able to accomplish in Washington, as in the disorders which through him rent the party in Colorado. It was this which inclined the Democrats to favor the bill, and Republicans to oppose it.

Two powerful influences were at work in the Senate and House. While Mr. Chaffee and his friends were pledging the State to the Republicans, McCook and Mr. T. M. Patterson, who had been elected a delegate, but was not yet seated, were pledging it to the Democrats. Mr. Patterson used all the influence he possessed with the members of his party toward securing their votes for the Enabling act. He stood as a living illustration of the fact that the Territory had been, and could be carried by the Democratic party. McCook, on the other hand, operated as a "free lance," with the design of defeating Chaffee, and discussed it either way according to the politics or temper of the individual he happened to be addressing. Having several times refused to tender his resignation, Gen. J. A. J. Cresswell, Postmaster-General, who heartily supported Mr. Chaffee, made frequent attempts to secure a voluntary abdication by the Governor, and at length it was procured, when the President brought matters to a satisfactory conclusion by nominating Col. John L. Routt, then Second Assistant Postmaster-General, upon whom all parties in interest had agreed. Almost immediately after the name reached the Senate, Routt was confirmed, and the chief obstacle having been thus removed, the Colorado bill passed and went to the House for concurrence in the amendments.

It is a matter of record that Mr. Chaffee wrought with marvelous energy and remarkable foresight for the accomplishment of the purpose to which he had devoted ten years of his life, and the greater part of his comfortable fortune. He wrestled incessantly with Senators and Representatives in this behalf. Senator Morton was heard to say, after the contest closed, that nothing but Mr. Chaffee's presence on the floor,

and his very skillful management of the case, prevented its defeat. He was omnipresent at every stage, vigilant, tireless and strong, overlooking and directing every movement, managing his well organized forces with the celerity and precision of a Napoleon in the field.

When the bill passed the Senate, loaded with amendments, it was taken to the House on Friday, February 26th, when Mr. Chaffee asked the unanimous consent of the House that the two bills (for the admission of Colorado and New Mexico) which had been returned from the Senate with amendments, be taken from the Speaker's table, the amendments non-concurred in, and that a committee of conference be appointed. Mr. Randall and Mr. Speer objected, whereupon the House proceeded to the consideration of several bills then before it, chief of which was the sundry civil appropriation, which engaged its attention until five o'clock, when an adjournment was taken until 7:30 P. M., at which time one of the so-called "force bills" for the South was taken up, but only for debate. This action precluded the possibility of advancing the Colorado bill or any other measure, since the debate continued until after midnight. But precious moments were passing. Mr. Chaffee, nervously anxious to secure an opening somewhere, spent the intervening time between Saturday night and Monday, March 1st, in mustering all his available influence and in devising plans for the next movement. But three days of the session remained, therefore much rapid and skillful work must be done in that brief interval.

In the morning hour of March 1st, after the transaction of some miscellaneous business, Mr. Ben Butler of Massachusetts moved to suspend the rules, that the House might proceed to the business on the Speaker's table, to take therefrom the Civil Rights bill and refer it to the Judiciary Committee. This motion was intended to remove that measure from further consideration, as there was no expectation of passing it, and open the way for our bill. Said Butler, "When this matter is disposed of, the House can proceed to the Speaker's table and take up the bills thereon, allowing five minutes debate *pro* and *con*, and then dispose of them, subject to all points of order." The vigilant parlia-

mentarian Randall, instantly penetrated Butler's ulterior purposes and objected. Therefore, nothing was accomplished for the friends of Colorado that day. The morning of the 2d came and with it renewed anxiety for the fate of our Enabling act. The hours passed swiftly without a single point of vantage having been gained until the evening session, when Butler renewed his motion, but as a two-thirds vote was required to carry it, and as it failed to receive that number, darkness came again. The hours swept on until the last day of the session dawned. It was then that the utmost power of Mr. Chaffee's forces was brought into action. Each day since the expiration of February had witnessed a general rush to secure the passage of important measures. Great confusion prevailed. All the members were on their feet shouting, yelling and wildly gesticulating for recognition. It seemed impossible for the presiding officer (Mr. Blaine) skillful as he was in the management of that body, to bring any sort of order out of the deafening chaos. Mr. Chaffee had at his command one of the most powerful combinations ever brought into the halls of Congress, but the difficulty was to get a two-thirds vote on a motion to suspend the rules, when a single objection was sufficient to check it. But the time was passing; only a few hours were left, and he felt that desperate measures must be taken. He had arranged with the Speaker for recognition whenever there should be an opening, but no opportunity occurred until after the morning hour of March 3d, when, after the Deficiency bill had been passed, Mr. Hoskins of New York, by arrangement, offered a resolution that "the rules be suspended for the purpose of going to the Speaker's table and concurring in the Senate Amendments to House bill No. 435 to enable the people of Colorado Territory to form a State government, and House bill No. 2418, to enable the people of New Mexico to form a State government." Several attempts to prevent a vote were made, but at length the yeas and nays were called. Two-thirds not voting in the affirmative, it was lost. A recess was then taken till 8 o'clock P. M.

Up to this time the two bills had been carried along together, though under strong remonstrances from many members who were

favorable to Colorado, but unalterably opposed to the admission of New Mexico. Mr. Chaffee having pledged his influence to Elkins, with characteristic fidelity to his friends persisted in his efforts to procure its adoption until the announcement of the last vote, when it became apparent that both must go down, unless New Mexico was abandoned. During the recess Chaffee's supporters warned him against further insistence upon New Mexico. It must be dropped, or Colorado would not become a State, at that session, and probably not for many years.

The House met at 8 o'clock, when Mr. Ellis H. Roberts of Utica, New York, moved that the rules be suspended and that the House proceed to the consideration of bills on the Speaker's table in order, referring the Civil Rights bill to the Judiciary Committee, and leaving all points of order in force, and that no bill should be passed except by unanimous consent, or a vote of two-thirds, and that if asked for, five minutes' debate be allowed on each side on any bill. Of all the numerous motions to suspend the rules for the purpose named, this was the only one which obtained the requisite two-thirds vote. Here, then, was the only opportunity which had been presented to Chaffee and his coadjutors for the consummation of their aims, and so they made ready for it. No obstacles were permitted to stand in their way. The great coalition prepared at once for a mighty and final effort to carry the bill. Messengers were dispatched to the Senate Chamber for all the influence that could be gathered there; into the committee rooms and cloak rooms; into the halls and lobbies; down into the restaurant, to the hotels and boarding houses of the city. Even the sacred and forbidden precincts of the enrolling and engrossing rooms were invaded in their mad search for friends of the bill, and every man brought forth to act when the time for a vote should come. When gathered, it was a magnificent force, every man devoted to the pledge he had given. They waited in almost breathless suspense for the critical moment, each in his place, ready for instantaneous action.

Under the Roberts' resolution the bills were taken from the table in order. The few which preceded it on the files having been disposed of,

mainly without debate, the Colorado bill was called, and the Senate amendments read, when the rules were suspended, the roll called, the vote recorded, and,—to the immeasurable joy of its friends, *passed*. Soon afterward New Mexico was brought forth, when S. S. Cox of New York, objected, and the bill failed. It was then nearly midnight of the last day. Mr. Chaffee, prepared at every point, had procured a careful enrollment of the bill in advance of its passage, hence, as soon as passed, it was ready for the signatures of the presiding officers of the Senate and House, which were immediately obtained, and a few minutes later the act to enable the people of Colorado to form a State government was on its way to the President for his approval.

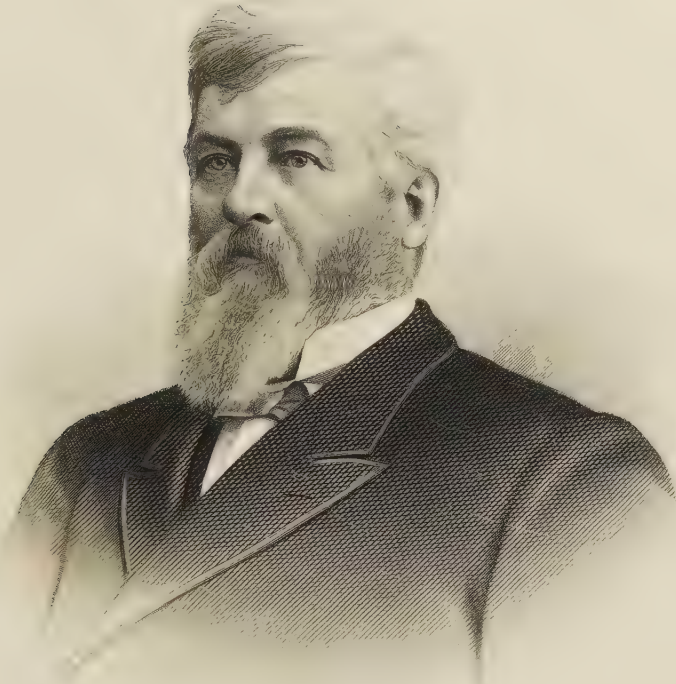
From the day when this measure was brought before the Senate, where at the outset it met with sufficient opposition to defeat it from causes already cited, until its final adoption by the House, its supporters, marshaled by Mr. Chaffee, never lost an opportunity to advance their cause. It has been stated that much of the opposition by Republican Senators was due to the dissensions in the party ranks in Colorado, excited by the removal of Governor Elbert, the reappointment of McCook and the attending consequences of the great contest following these events. The Republicans, apprehending the loss or serious curtailment of their majority in the House in the coming fall elections, and having but a small working majority in the Senate, had no inclination to admit a new State which, by the election of two Democratic Senators would not only still further reduce their power in that branch, but might exert a controlling influence upon the next Presidential election, and but for their confidence in the assurances given them by Mr. Chaffee and others whose statements they trusted, the bill would never have passed the Senate. Nor was this all. The leading Democrats in Colorado were constantly, though secretly, advising their political friends in both houses to pass the bill, as they were certain to carry, not only the Constitutional Convention, but the State elections under it.

Mr. Patterson, who had been elected to succeed Mr. Chaffee as delegate, had gone down to Washington to exert what influence he

might possess in the same direction. The Democrats performed their part quietly and confidentially, so as not to antagonize the Republican vote, and at the same time to secure every Democrat who could be induced to favor the passage of the act. Senator Thurman did not credit their representations, and did not favor the bill, but when the vote was taken, walked out of the chamber without casting any vote at all. Samuel J. Randall in the House opposed it all the way through, because he had no faith in the ability of his party to carry the State.

Routt, as Second Assistant Postmaster General, had been a faithful and efficient officer. He had fought under Grant during the war, and when his name was suggested to the President for Governor of Colorado, Grant sent for and had a long conference with him. He had made many sterling friends while in the Postoffice Department, among Senators and Representatives of both political parties, through his courtesy, and conspicuous favors granted them. He was known to be a good organizer, and an honest man. Added to this was the assurance that, if appointed Governor, he would devote himself to the reorganization of the Republican party in Colorado, to the healing of its wounds, to harmonizing the several discordant factions, and the restoration of its supremacy,—a pledge which he faithfully kept.

The House of Representatives in the Forty-second Congress contained a large number of young, ambitious and able men. Among those who soon acquired prominent places in the confidence and esteem of the strong members and leaders, was Jasper D. Ward of Chicago, who, as the sequel proved, became one of the most ardent and effective advocates of the Colorado bill. He had emigrated to the Pike's Peak gold region among the "pilgrims" of 1860, crossing the plains with Major Jacob Downing,—one of the bravest men, by the way, that ever drew saber,—in the spring of that memorable year. He engaged in mining at Black Hawk and Central City, and later in "Buckskin Joe" and California Gulch. In the fall he returned to Chicago and canvassed the State of Illinois for Abraham Lincoln, remaining in the campaign to its close. He was a lawyer by profession, thoroughly conversant with political his-



Jasper D Ward

tory, an eloquent and convincing speaker, capable, under happy circumstances, of extremely pleasing and effective oratory. Having heard him at his best, I speak from personal observation. In 1868 he revisited Colorado, and made several rather brilliant addresses to the people in the Territorial campaign of that year. Returning to Chicago, he was elected to Congress in 1872, and when Mr. Chaffee introduced his bill for an enabling act, at once became its champion. He induced Mr. C. B. Farwell, who was strongly opposed to our admission, to recant and vote for it, and exerted much the same influence with Mr. Bernard G. Caulfield of Chicago, and through him and by personal effort several other influential Democrats were persuaded to support the measure. James C. Robinson, from the Springfield district, W. R. Morrison, S. S. Cox, with many others of like political faith, were brought into line. Mr. Patterson of Colorado, Col. James H. Platt, representing the Petersburg, Virginia, district, L. Cass Carpenter of Columbia, South Carolina, and Gen. W. T. Clark of Texas (for years Gen. McPherson's chief of staff), were among those who stood steadfastly by our delegate in all the struggles of that anxious campaign, and therefore deserve honorable mention in the history of our State.

But it is uniformly conceded by all the members of the remarkable combination, that Mr. Chaffee was the controlling and directing leader in the great parliamentary and strategic battle which insured the fortunate result. All agree that it was, unquestionably, one of the most obstinate and skillfully conducted contests that had ever been witnessed in the House of Representatives. The labor which this man performed, the influences which he gathered about him, the skill with which he organized and managed those influences, and the success achieved under strenuous opposition, while much of the time suffering from a painful and dangerous malady, working early and late in defiance of the warnings of his physician, in some degree define his character and his indomitable perseverance in every great undertaking that marked his career. By long association with the politics of the Territory and of the nation, and by virtue of his wonderful faculty for organizing and energizing the

work of political campaigns, he became one of the most noted managers of his time, the recognized leader of his party in the Territory and State, and the only man who up to the present epoch has combined within himself all the essential qualities of a successful leader. Yet he never made a speech which attracted more than ordinary attention until after his election as Senator, and then from manuscript,—on the Pacific railroad bill. He was averse to appearing in public assemblies, but at the head of his well ordered forces in a political combat he was invincible, looking to the arrangement of every detail, true to his friends, generous to the last degree, and attached to his cause by the innate force of his nature, and by his genial manners, every element about him.

When the decisive vote had been taken and a victory assured, a relapse occurred, from which he never fully recovered. It was declared at the time, and was probably true, that McCook endeavored to induce the President to veto the bill, or leave it unsigned, but without effect. At twenty minutes to 12 o'clock on the night of March 3d, 1875, Gen. Grant attached his approval to the act which eventuated in ushering the Centennial State into the family of States.

The foregoing rather elaborate epitome has been given in order that the people who now are building one of the more prosperous of the Western States, may be advised of the struggle under which the work they are doing was rendered both possible and successful. It is well to place these events upon record, since they preceded and formed a part of the mightiest political contest thus far noted in the history of the nation, and which determined, whether rightfully or otherwise it is not my province to discuss, the Presidency in 1876, and also that the splendid results attending our own internal progress may be properly measured. We have seen that, but for the stupendous energy and wisely directed ability of Mr. Chaffee and his faithful auxiliaries, the Enabling act would have perished through the overwhelming rush for the adoption of numberless other measures, and it is extremely doubtful if the Territory could have been emancipated from its state of colonial dependence upon the general government for many years, had

this attempt proven abortive. Ours was the last State admitted, indeed, the last proposition of the kind to be seriously considered, until the passage of the "Omnibus bill" at the session of 1888-89, whereby four Territories were granted the right to form State constitutions, and were admitted in November, 1889.

Let us now contemplate for a moment the series of events which succeeded the Enabling act, and resulted in our transmutation from a Territorial to a higher form of government.

Governor Routt and family arrived in Denver on the 21st day of March, 1875. Before leaving Washington he, with others, had succeeded in effecting a reconciliation between Mr. Chaffee and the President. At the conference between them, Gen. Grant admitted that he had been grossly deceived in regard to the alleged piracy by Moffat and others on the public lands, and that he had been persistently wrought upon, by what appeared to be trustworthy evidence of Mr. Chaffee's collusion with the cabal said to be engaged in a gigantic scheme of robbery of the public domain. These efforts had been so long continued, and so ingeniously presented in various forms, he was at last impelled to take peremptory action in justice to himself and the country. Mutual explanation brought out the facts, and as a result, the two became fully reconciled and in the course of years deeply attached friends, a relation which prevailed with ever increasing warmth to the close of their lives.

The Governor established temporary headquarters at the Inter-Ocean hotel, then the principal hostelry of the city, where prominent citizens of every shade of political belief called and extended to him a cordial welcome. All were disposed to accord him a generous reception, since the honorable record he had made for himself in the army and in official life, his spotless integrity, his honesty and pleasing manners had preceded him, through private correspondence and the public journals. The people had become weary of factional wars and enmities, the discord and confusion which impeded the development of the country, and were unitedly desirous of carrying into effect the promised change. He

was sworn into office by Chief-Justice Hallett on the 30th day of March, 1875, and entered immediately upon the discharge of its duties. The first onerous responsibility that came to him was the necessity of a thorough reconciliation of the shattered elements of his party, and to this he addressed himself with, in due time, flattering prospects of success. Both political organizations began to take the preliminary steps toward reorganization, first for a trial of numerical strength at the polls in the legislative election to occur in the fall, next for supremacy in the constitutional convention, and finally, for the election of a Representative in the Forty-Fourth Congress, and State officers following the adoption of the Constitution. No one doubted the ratification of that instrument if it were carefully framed, and the desires of the people met in its more important provisions. The experience gained in 1864 and 1865 had brought wisdom, therefore it was held to be extremely improbable that any serious errors would be committed in constructing the fundamental law, since every one knew that it must be substantially perfect to insure acceptance.

On Sunday morning, April 4th, Stanley G. Fowler, editor of the "Mirror," published a striking allegorical cartoon representing the ceremonious introduction of Colorado, the youngest and fairest of the sisterhood, to Mistress Columbia, the general housekeeper of the Union. In the foreground stood Delegate Chaffee presenting the beautiful and blushing maiden to the stately head of the nation. A group of figures, representing the more ardent friends of the new State,—Gov. Evans, William N. Byers, Amos Steck, Gov. Elbert, Hugh Butler, D. H. Moffat, E. T. Wells, Gen. Bela M. Hughes, Dr. R. G. Buckingham, Judge Hallett and others stood by, silent but joyful witnesses of the interesting ceremony. On the left was the Governor's guard arrayed in brilliant uniforms, standing at "present arms." One of the more conspicuous features of the picture was an imposing and beautiful arch upheld on either side by massive pillars of gold and silver, the capitals crowned on one side by the stalwart figure of a miner, and on the other by a tiller of the soil. The arch itself bore, in the center, the Colorado

coat of arms. At a distance in the perspective the Chaffee Light Artillery was engaged in firing a national salute. To complete the details, the magnificent sweep of the great Sierra Madre, crowned with everlasting snow, was graphically pictured, at its feet a lovely landscape representing the fertile valleys of Clear Creek and the Platte bathed in sunlight and blossoming with unreaped harvests. Over and above the enchanting scene sprang a bow of promise, from the apex of Pike's Peak to the dome of the capitol at Washington. It was a fine conception, and attracted much admiration. The same idea, enlarged and elaborated by many artistic touches, was transferred to a large canvas by an eminent painter of the day, and now hangs in the courthouse of Arapahoe County, having been purchased and presented to the State by Mr. D. H. Moffat.

On the 28th of April, 1875, the Republican Central Committee, Joseph C. Wilson, Chairman, met pursuant to call in Masonic Hall at Colorado Springs. Many of the leading representatives of the party were present by invitation. The meeting assumed the character of a general conference, with a view to the discussion of the new issues growing out of the recent act of Congress, but more especially to the restoration of harmony. The movement signified unification, the interment of all differences, and the rearrangement of its columns into a grand consolidated working force for the business at hand.

Mr. J. Marshall Paul, of Park County, was installed as Chairman, and Louis Dugal, of Denver, as Secretary. The main purpose of the call was accomplished without effort. There were no outward evidences of dissension. An adjournment to Manitou was taken, where the remainder of the session was held. Those who anticipated a renewal of factional grievances were disappointed. Several resolutions were adopted, the first to this effect, "that we are in favor of the organization and admission of Colorado as a State, and we will use all honorable means to that end." The following by Mr. Byers, secured a unanimous vote:

Resolved, That in the opinion of this meeting the Constitution to be framed for the State of Colorado should be rigidly non-partisan, and that the election for delegates to

the Convention to prepare said Constitution, and the election upon the adoption of the same, should avoid party issues.

Resolved, That the policy of drawing party lines, or the contrary in the election affecting the formation of the Constitution and its adoption, be left to the Territorial Central Committee, as in its judgment may seem best.

Resolved, That the ablest and best men in Colorado should be chosen to draft our State Constitution for submission to the people.

While the first resolution expressed the sentiments of a majority, it was deemed advisable, as set forth in the second, to leave the question to the discretion of the Committee, to act according as the result of its submission to the opposite party might impel. There were no divisions upon the general purpose. The result proved that all recognized the necessity of hearty and unreserved acquiescence in the patriotic endeavor, first to secure the best constitution that the wisdom of our ablest men were capable of producing, a charter calculated to endure the mutations of time, and secondly, to restore the shattered prestige of the Republican party through decisive majorities at the polls. The first battle to be fought was in the election of a Territorial legislature, and it was here that the question, whether the Republicans or the Democrats were in the majority, was to be determined. This vote would necessarily indicate to a great extent the political complexion of the incoming State therefore was a matter of great importance.

The Democratic press and the leaders of that party, confident of their majority as indicated to them by the election of Mr. Patterson, strenuously advocated strict adherence to party nominations for the convention, and for everything else. On the 10th of June their central committee met at the Sargent House in Denver, to consider and announce the course its party would pursue. Mr. J. B. Fitzpatrick presided, and Capt. James T. Smith was the Secretary. The first business taken up referred to the resolutions adopted by the Republicans at Manitou, a copy of which had been transmitted by Chairman Wilson for consideration, with the hope that both parties would agree to a non-partisan constitutional convention. After giving them due attention, the following was adopted:



James H. Platt

Resolved, That the Chairman be instructed to respectfully respond to the resolutions of the Republican Central Committee, submitted through its Chairman, that it is the sense of this Committee that it has no power in the premises to direct the Democratic party in the several districts, as to their action in the election of delegates to the Constitutional Convention.

This was construed to mean a distinct rejection of the proposition. The battle was to be fought in the open field, each party to muster its forces as best it could, and try conclusions upon the well-known principles of political warfare. In order that there should be no room for doubt as to its intentions, a committee of five, composed of Harley B. Morse of Gilpin, Judge McFerran of El Paso, Dr. R. G. Buckingham of Arapahoe, Joseph Kenyon of Fremont and W. G. Winburn of Weld, was appointed to draft an address to the people, conveying the sentiments of the committee as expressed in its reply to Mr. Wilson, and of the party at large upon the issues pending. This address made the customary arraignment of the Republican organization for multiform crimes and misdemeanors, extending over and embracing and blackening the entire period of its existence. It is needless to recapitulate the charges, for by referring back to any of the manifestoes of either party during the fifteen years after the war, the reader, if sufficiently curious, will discover that one was but a repetition of the other, chiefly sound and fury, and signifying nothing further than that the "outs" were venomously, eternally and unalterably hostile to the "ins," and *vice versa*. But at the close it was represented, that "the Constitution of Colorado yet to be framed should be such as to meet the approbation of all the people of the new State, without regard to party; that it should reflect the wisdom, ripe experience and patriotism of its framers; that it should not be tainted with any partisan feeling or purposes; that all its provisions should be just, commendable in every respect; in harmony with the principles of our American system, and that thus constructed it may stand for ages the bulwark of freedom to the people of Colorado, and a model of sound representative government worthy of all praise and universal imitation."

Here was a declaration that, standing by itself, evinced a spirit of

true and lofty patriotism, one upon which there could be no division among loyal citizens, whatever their political faith. Among the utterances of the time there were none which breathed a purer sentiment, and had the committee made this the beginning and end of their address, it should, and probably would have sent their names down to posterity as among the wisest and best of their time. But they spoiled it by interpolating the declaration that to secure this happy result, and, inferentially, the only way in which it could be attained, was through "the thorough organization of the Democratic party throughout the Territory without delay, to secure the success of Democratic principles and the restoration of good government."

However, entertaining this opinion from the constant iteration of false logic and from lifelong affiliation, and believing as they undoubtedly did that all they proclaimed was true, no milder indictment could have been expected. It was accepted by their adversary as an unmistakable challenge and notification that the Democratic party would stand upon the issue thus joined and force the fighting. A great mass meeting was held at Guard Hall the same evening, when the policy laid down by the committee was emphatically indorsed as the policy of the party.

On the 16th of June, Chairman Wilson appeared with a sharp rejoinder, in the form of an address to *his* party, setting forth the action taken by each committee upon the proposition for a non-partisan convention, and the willing acceptance by the Republicans of the challenge. He in turn raked over the record of the Democratic party in terms bristling with vituperative rhetoric. Both manifestoes were in execrable taste, both defamatory and untrue, and ill befitting the dignity and intelligence of the parties in whose behalf they were fulminated. Each was born, however, of an epoch filled with virulence, injustice and all unrighteousness, the natural heritage perhaps, of the bloodiest and most unwarrantable conflict of modern times. There was nothing original and but little to commend in either address, nor was the campaign seriously affected by either.

The election for members of the last Territorial legislature

occurred on the 14th of September, 1875. While there was little or no excitement, each party endeavored to muster its utmost strength. The Democrats elected nine members of the Council, or Senate, and the Republicans four; to the House of Representatives the Republicans elected sixteen and the Democrats ten, leaving the former but one majority of the whole number chosen. It will be seen that with this narrow margin the Republicans could not afford to neglect any opportunity if they were to win in the succeeding contests.

On the day noted above, Governor Routt issued his proclamation to the sheriffs of the several counties, notifying them that an election would be held for delegates to the constitutional convention on Monday, October 25th, and that the convention would assemble on Monday, December 20th, in the city of Denver. The Enabling act required that the apportionment of representatives in that body should be based upon the election returns of 1874. The plan adopted was to begin at the northeast corner of the Territory, and designate the districts by counties from right to left, and from left to right alternately, as nearly as the same could be done with due regard to existing conditions. Fractions were grouped together in such manner as to afford full and proper representation. In no case was the political status of any county permitted to influence the formation of representative districts. The Enabling act, as passed in 1875, provided that only citizens who were qualified electors at the date of its approval should be eligible to vote or hold office, but Mr. Patterson had, in the meantime, procured the adoption of an amendment which opened the way to all who were qualified electors on the day of election.

The campaign was devoid of exciting incident, and only a light vote was cast, about 5,000 less than at the preceding election. The Republicans elected twenty-four and the Democrats fifteen delegates. Each party had nominated some of its ablest men, and as a result the people secured an admirable charter. The work of the convention, in the chapter following, has been thoroughly and ably epitomized by Judge H. P. H. Bromwell.

CHAPTER XIV.

THE CONSTITUTIONAL CONVENTION—SYLLABUS OF MATTERS TO BE CONSIDERED—
CONDITION OF THE TERRITORY—MEMBERS AND OFFICERS OF THE CONVENTION—
ORGANIZATION—ADDRESS OF THE PRESIDENT—QUESTIONS CONSIDERED AT THE
BEGINNING—CHARACTER OF THE DELEGATES—APPOINTMENT OF COMMITTEES AND
ASSIGNMENTS OF WORK—REPORTS RENDERED—DISCUSSION OF THE MORE IMPORTANT
PROVISIONS—MEMBERS WHO HAVE SINCE BEEN DISTINGUISHED OFFICERS OF STATE
—AN INCIDENT WHICH DETERMINED THE PRESIDENTIAL ELECTION OF 1876.

A history in full of any convention engaged in the work of framing an organic law for the creation of a State, must require considerable space.

This may be readily seen by inspecting the bulky volumes which record the discussions and acts of those assemblies, whose proceedings have been reported and published at length. Nor would any part be entirely devoid of interest, for it would at least exhibit the simultaneous sentiments and thoughts of many minds, concurring or dissenting upon the gravest political, social and legal problems which concern the welfare of a people.

But what is to be attempted here must be confined within very close limits. In other parts of this history will be traced the social and political events leading up from the earliest settlements in the wilderness of Colorado, to the arrival of the hour for exchanging colonial dependence for the dignity and security of State government.

This chapter can be nothing more than a syllabus of the principal matters of a public character, immediately connected with the actual preparation of the people's charter to the body politic of the incipient State, now so auspiciously established.

The Constitutional Convention began its work under circumstances and conditions far more embarrassing than a large majority of our population at present would readily believe.

To establish a State government by a newly settled people in any of the former Territories east of us, was always an enterprise difficult enough to test the public spirit and energy, as well as the resources of the community. But Colorado had a more formidable task than most of those mentioned. There the new territory lay close beside longer settled and better furnished regions, and the settlements advanced outwardly from these, and by easy stages, into a country similar in soil, climate and other natural conditions to that left behind.

But here was a population not exceeding in number one hundred thousand souls, great and small, a large portion of them newly arrived immigrants, of scanty means; unused to the peculiar and severe conditions imposed by the climate and surface formation of the country; and dispersed over a vast region, destitute of roads, except in some limited portions, between the principal settlements and mining camps; without bridges for passing the hundreds of mountain torrents and rivers of fearful current; while on the parts level and low enough to allow the cultivation of grain, neither seedtime nor harvest might be thought of until canals for watering the soil could first be constructed at enormous expense, compared with the means of the people.

All supplies, whether of metal, hard wood, pottery, leather or clothing stuffs of any kind, besides the greater part of all kinds of food, even to the provender of beasts of burden, had been, during twelve years of the seventeen since the first comers surprised the savages by the smoke of their camp fires, drawn six or seven hundred miles in freight wagons, which carried also subsistence for the teamsters; until in the year A. D. 1870, a line of railroad six hundred and thirty-nine miles long, connected Denver, the principal town, with the Missouri River.

According to the memorial to Congress reported by Gen. B. L. Carr of Boulder, and adopted by the convention, the Territory ex-

ceeding one hundred and three thousand square miles in extent, and "traversed by numerous ranges of snow-covered mountains, many of them passable only at widely separated points" was so situated in respect to communication, "that many of the members of the convention" were "obliged to travel from four hundred to ten hundred and sixty miles, crossing several ranges of mountains, at the line of perpetual snow, in coming to, and returning from the convention, causing an expense four times greater than would journeys of like distances in the older States."

But besides these, several special causes combined to obstruct the establishment of the statehood of Colorado, and also to create fears that a State government might prove to be an intolerable burden, and so a grievous disappointment and discouragement to the people, and deter the incoming of desirable settlers.

These causes tended not only to dampen the ardor of some friends of the State movement, but to greatly aggravate the perplexity and difficulty of preparing a constitution desirable and proper for a State evidently destined to become populous, and notable in material and social development, which would also conform in frugal economy and simplicity of administration, to the condition of the commonwealth, in the earlier stages of its progress.

One of the special causes mentioned, was that the great financial disturbance known as "The Panic" of 1873, began to produce its disastrous effects as far west as Colorado, early in the year 1874, and had nearly reached its worst, in the early part of 1876, while the convention was in session.

The depression in business was very great. Real estate had fallen in value one-half, and little wonder that it fell, for building was at a standstill, and communities situated anywhere in growing towns and cities as those of Colorado, live mostly by building,—its cessation almost paralyzes more than half the occupations and branches of business, directly, and shuts off the means of living from a majority of all mechanics and other wage workers, and scatters them abroad. Then

all other business is affected indirectly but severely. Such was the result in Colorado.

But another, and perhaps a greater cause of disaster, came in at the same time. It was in the year A. D. 1873, that the Rocky Mountain locusts (miscalled grasshoppers), equal if not superior in numbers and power of destruction to their next of kin, the African and Asiatic locusts, made their second incursion into the settlements of Colorado.

This was no such thing as the visitation of worms or insects which occur at times in the States east of us; for there, though such pests often work great havoc in crops in different localities, much remains uninjured; but the locust takes *all*.

As said nearly three thousand years ago: "The land before them is as the Garden of Eden, and behind them a desolate wilderness." It is known that during the years A. D. 1874-'5 and '6, these creatures coming across the mountain ranges in flocks spreading many miles in width, and often consuming several days and nights in passing, devoured everything in the fields which could be eaten, except that a remnant of the wheat crop of the last two years was saved by various devices; but the labor and expense must have exceeded in value all that was saved, counted at what would have been its market price under ordinary circumstances.

Most of the marks of the great depression in business have disappeared, but the records of the courts showing judgments on money demands long unsatisfied, and the files of the newspapers crowded with notices of sales on executions, tax sales, and those under trust deeds and foreclosures, can testify to much that is forgotten.

Perhaps the most striking monument of the stress of the times, is to be found in the schedules of water rights shown in the filings and decrees of the courts in settling the priorities of such rights, which show that on the streams more or less used for irrigation, before, and at that time and since, the number of canals constructed or enlarged, increased in number more and more in proportion each year, until the year A. D.

1874, when such work substantially ceased, and a blank interval extends to the year 1878, when the work began once more, and has continued hitherto, with great proportional increase in each year.

The members of the convention were elected, and they assembled when the second season of the "panic" and of the devastation was near its close, and the election for adopting or rejecting their work, was held on the first day of July, 1876, in the midst of the third season of the locust visitation, and then, and on the first of August, next, when the statehood of Colorado became an accomplished fact, the destruction of every green thing, even to the seed for another year, was going on to certain completion.

Yet no appeal for contributions from abroad was heard from the devastated fields of Colorado, nor did the formation of "Relief Committees" in the States east of us divert the philanthropic activities of their people from their usual course, as in many other cases of calamity befalling other portions of our country.

How the community, especially the dwellers on the thrice desolated ranches, managed to survive that ordeal, is still an unexplained problem. But they did, and never sought relief, preferring to renew the "Grasshopper mortgages," to calling for succor. They voted for the constitution on the first day of July, and burnt an unusual quantity of powder on the Fourth, in honor of the one hundredth anniversary of American Independence, the Union, and "the Centennial State."

A third cause of embarrassment, was the fact that this was the *third* attempt to attain to State government. Two constitutional conventions had previously been elected and convened, at great expense, considering the circumstances, and two constitutions had been prepared and one adopted, which suffered abortion,—the second one being defeated by a presidential veto, after the election of Senators, and their attendance at Washington several months in reasonable expectation of being admitted to their seats.

These prior constitutions, however, were prepared, not so much for permanent use in the government of a State, as for the purpose of



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securing the admission of the Territory to a place in the American Union.

The convention met with these and other difficulties staring the members and the community in the face. But the people did not appear to be much affected in their determination to launch the ship of State. In this third attempt they had the assurance of admission, by an act of Congress in advance, fixing the conditions to be complied with, and empowering the President to proclaim the admission of the State; and this being so, the convention proceeded with full knowledge of the legal situation present and prospective, to consider the requisites of a constitution adapted to existing and future conditions, as though no difficulties of the kind mentioned then existed.

The hardships of the situation, while they alone could not prevent the accomplishment of so desirable a piece of work, nevertheless added greatly to the perplexities to be encountered, and protracted the work of discussing, considering and arraying the many proposed measures and provisions to which existing circumstances gave rise, which were urged upon the attention of the assembly from every quarter without, as well as those brought forward by the members and committees. But thoroughness was determined on from the beginning.

The members of the convention were Joseph C. Wilson of El Paso, President; Casimero Barela and George Boyles, both of Las Animas; William E. Beck and Byron L. Carr, both of Boulder; William M. Clark and William H. Cushman, both of Clear Creek; A. D. Cooper of Fremont; Henry R. Crosby of La Plata; Robert Douglas of El Paso; Frederick J. Ebert, Clarence P. Elder, and Lewis C. Ellsworth, all of Arapahoe; Willard B. Felton, of Saguache; Jesus Maria Garcia of Las Animas; John S. Hough of Bent; Lafayette Head of Conejos; Daniel Hurd of Arapahoe; William H. James of Lake; William R. Kennedy of Hinsdale; William Lee of Jefferson; Alvin Marsh of Gilpin; William H. Meyer of Costilla; S. J. Plumb of Weld; George E. Pease of Park; Robert A. Quillian of Huerfano; Lewis C. Rockwell of Gilpin; Wilbur F. Stone of Pueblo; William C. Stover of Larimer; Henry C.

Thatcher of Pueblo; Agapito Vijil of Las Animas; William W. Webster of Summit; George G. White of Jefferson; Ebenezer T. Wells of Arapahoe; P. P. Wilcox of Douglas; John S. Wheeler of Weld; J. W. Widderfield of Bent; Abram K. Yount of Larimer; H. P. H. Bromwell of Arapahoe,—in all thirty-nine.

The officers of the convention were:

President.—Joseph C. Wilson of El Paso.

Secretary.—W. W. Coulson of Boulder.

Assistant Secretary.—Herbert Stanley of Clear Creek.

Second Assistant Secretary.—H. A. Terpenning of Arapahoe.

Enrolling and Engrossing Clerk.—Fred. J. Stanton of Arapahoe.

Assistant Enrolling and Engrossing Clerk.—W. H. Salisbury of Arapahoe.

Sergeant at Arms.—A. H. Barker of Arapahoe.

Assistant Sergeant at Arms.—R. A. Kirker* of Park.

Doorkeeper.—Andrew Smidt.

Janitor.—Clay Forbes.

Fireman.—Gavino Pando.

Interpreter.—David Wilkins. (Successor, Dominguez.)

Page.—Robert Freitaz.

An additional page was afterward appointed.

When the convention began its organization, a flurry of politics arose in the election of officers. The usual caucus preliminaries were observed. The call for non-partisan and patriotic devotion to the common weal of the Territory, was loud from both parties on the floor, and the majority deeming what it esteemed proper political opinions and affiliation to be the best evidence of patriotism then obtainable, proceeded to elect its nominated candidates to the several offices, having first, however, conceded the temporary organization to the minority, thereby removing the genial Judge Stone from the arena to the dais, thus weakening the enemy on the floor.

* Resigned. Office abolished. Mr. Kirker elected Postmaster January 5th.

The contest at first was spirited and "patriotic" on both sides, but gradually slackened, first in animosity, and then in animation, at each stage of the election, until, when the doorkeeper's turn came, the majority nominee was elected by acclamation, on motion of a prominent member of the minority, Mr. Boyles of Las Animas. Thenceforth, until the final adjournment, no spectator could have supposed, from anything seen or heard in the assembly or in any outer room, that party politics had ever been so much as dreamed of in the loft of the mansard roof occupied by the convention.

In fact, a leading Democrat had been elected, on the nomination of Judge Stone, to the position of Enrolling and Engrossing Clerk (Mr. F. J. Stanton), an office for which no nomination had been made; and the chairmanship of the first committee appointed by the President,—that of reporting what standing committees ought to be raised,—was awarded to Judge Stone of the minority. The beautiful enrollment of the constitution, now in the State Department of Colorado, is the work of Mr. Stanton,—the duplicate sent to Washington was written by Mr. W. H. Salisbury,—and it is very unlikely that any one of the like instruments there to be found, is its equal in elegance of execution throughout.

The majority in the convention claimed to justify their partisan action, as far as it went, on the ground that the Republican State Central Committee had first met and resolved in favor of a non-partisan election of members of the convention, while the Democratic Central Committee subsequently met and resolved for party nominations. But several members on both sides had opposed party nominations at all times, two of whom were Judge Stone and Judge Pease of the minority, and Judge Beck of the majority spoke and voted in favor of ignoring party considerations in organizing the convention.

President Wilson on taking the chair, spoke as follows :

"GENTLEMEN OF THE CONVENTION :—In assuming the duties of the position to which, through your partiality I have been assigned, I desire to express to you my sincere thanks for the honor that you have conferred upon me.

"I assure you that not the least of my regrets is, that I do not bring a greater ability to the discharge of the important duties intrusted to me. That I will commit errors I doubt not,—but that they will be willingly and speedily corrected, when informed of them, if within my power to do so,—I solemnly assure you. I therefore ask you to extend to me your patient forbearance and considerate indulgence.

"In the performance of all the duties devolving upon me I shall endeavor to so discharge them as to commend my actions to all, for their impartiality at least, if they may be deficient in wisdom. There perhaps never was a convention similar to your honorable body, convened, to whom were intrusted greater or more delicate responsibilities than those which have been intrusted to you. The eyes of not only the people of Colorado are upon this convention, but the whole nation is watching it, with an unusual degree of interest.

"It is no part of my duty to dictate to you in any way, as to the course of action to pursue. I may say, however, that as for myself, no act of mine shall be tainted with the slightest semblance of partisanship or sectional spirit. Here I know no party, but the entire people,—no section, but the whole Territory.

"And now permit me to express the hope, that as we are necessarily compelled to look to the older Commonwealths for many of the guides to aid in the work before us, may the result of our labors be such as to produce a constitution for the Centennial State, which will in all cases hereafter serve as the model for all the people of our country, who may similarly seek an admission into the proud sisterhood of States."

The sentiments uttered by the President touching duty and devotion to the common welfare, to the exclusion of all mere party considerations, met with a hearty response of accord from all the members, and the implied pledge so given was so truly fulfilled, that at no moment thereafter was the "slightest semblance of partisanship or sectional spirit" discernible in the deliberations or conclusions of the assembly, or in aught proposed by any member.

But if the convention when organized, found itself without time, opportunity or inclination to rethresh the oft cudgeled sheaves of party politics, the discussion of measures introduced, shortly developed an earnest majority and minority on several very important issues. Some of these were settled in a short time; but others provoked protracted debate, which at times rose to heated and stubborn contention.

Among these were numerous questions concerning corporations, as

to what should be the liabilities of their stockholders toward persons dealing with the corporation, also toward the State.

The effective control of corporate bodies acting as common carriers ; for the protection of the community against extortion, unjust discriminations, unreasonable methods, vexatious delays, and the like.

The disposition of the public waters of the State, for purposes of irrigation ; and the power of the State and of the County Boards for the protection of agricultural interests ; and preventing the waters of public streams being seized to the uses of monopoly, to the oppression of the people.

The founding and maintaining of a system of free public schools ; and protection of the public against impositions by officers and combinations of publishers and agents, in furnishing, dictating and changing the books to be used.

Protecting the public schools against interference by religious or ecclesiastical sects. Protection of the school funds against being diverted to ecclesiastical uses, by means of grants, loans and the like, or by the distribution of the funds or some part thereof, among schools under any other authority than that of the State.

The taxation of property used in the whole or part for religious, educational or charitable purposes.

The payment of salaries to State and county officers ; and turning over the fees collected, to the State or county treasury, as the case might be.

Restrictions against indebtedness being improvidently contracted by the State, counties, cities, towns, and school districts.

Taxation of the property of non-resident persons or corporations.

Disposition of the school lands as to sale or lease thereof ; and protection of the same from compulsory sale, or sales in the interest of designing parties.

The extension of the right of suffrage to all persons of lawful age without distinction of sex.

Doubtless no similar convention assembled in this country has included in its membership a greater proportionate number of noble minded and competent persons,—men who never faltered in their task by day or by night, even in those labors which always must of necessity attract no attention outside the walls of the committee room,—and if any member of the body proved himself indifferent or negligent of duty, it was not for want of abundant examples of energy and devotion to the work in hand, on the part of a large majority of his colleagues.

It may be said with equal confidence that no convention assembled in any part of this country, has prepared for its constituents, with equal dispatch, a more comprehensive or better devised instrument of organic law, or one more responsive to the peculiar conditions and complications which beset the situation, whether existing, foreseen or contingent,—always excepting that incomparable work, the Constitution of the United States.

Let it be considered that several conventions assembled about the same time in such long settled and wealthy States as Pennsylvania, Illinois, and others, where all things had been going on in gradual development through the lifetime of successive generations, and that their work as finally presented has been well deemed in each instance a very satisfactory result, in view of the time spent in its accomplishment; and yet in the first mentioned State the time so spent was two hundred and fifty-seven days; in the second mentioned, one hundred and twenty-five days; while the members of the Colorado Convention signed their constitution enrolled in duplicate on the eighty-fifth day of the session, and after preparing a necessary ordinance, adjourned on the eighty-sixth day.

What is said above concerning the convention is equally true of the committees to whom the principal articles were assigned, as well as to all others, as far as circumstances permitted, for very few members were on less than three committees each, and many on four, and their work shows to-day the evidence of unremitting care and diligence in every part.

The adjournment of the convention for some ten days shortly after the appointment of the committees, gave opportunity to such of the chairmen and others as could devote their attention to the work, to prepare matter to be laid before their colleagues or the entire body upon their reassembling,—the committees being scattered as well as the convention.

The articles concerning the three departments of the State government were severally assigned to committees composed as follows:

The Legislative Department.—Henry C. Thatcher of Pueblo, Chairman; William C. Stover of Larimer; Clarence P. Elder of Arapahoe; William H. James of Lake; William H. Meyer of Costilla; P. P. Wilcox of Douglas; William M. Clark of Clear Creek; George Boyles of Las Animas, and William H. Cushman of Clear Creek.

The Executive Department.—Clarence P. Elder of Arapahoe, Chairman; John S. Hough of Bent; William H. James of Lake; Lafayette Head of Conejos, and George G. White of Jefferson.

The Judiciary Department.—Wilbur F. Stone of Pueblo, Chairman; Ebenezer T. Wells of Arapahoe; William E. Beck of Boulder; Alvin Marsh of Gilpin; Henry C. Thatcher of Pueblo; Lewis C. Rockwell of Gilpin; George G. White of Jefferson; George Boyles of Las Animas; William R. Kennedy of Hinsdale; George E. Pease of Park, and Willard B. Felton of Saguache.

The other committees were:

Bill of Rights.—Alvin Marsh of Gilpin, Chairman; J. W. Widderfield of Bent; Lafayette Head of Conejos; Lewis C. Ellsworth of Arapahoe; John S. Wheeler of Weld.

Right of Suffrage and Elections.—William W. Webster of Summit, Chairman; H. P. H. Bromwell of Arapahoe; Wilbur F. Stone of Pueblo; William E. Beck of Boulder, and Agapito Vijil of Las Animas.

Impeachment and Removal from Office.—Henry R. Crosby of La Plata, Chairman; George G. White of Jefferson; P. P. Wilcox of Douglas; William H. Meyer of Costilla; Jesus Maria Garcia of Las Animas.

Education and Educational Institutions.—Daniel Hurd of Arapahoe, Chairman; Wilbur F. Stone of Pueblo; Byron L. Carr of Boulder; John S. Wheeler of Weld, and Robert Douglas of El Paso.

Public and Private Corporations.—Lewis C. Rockwell of Gilpin, Chairman; A. D. Cooper of Fremont; Lewis C. Ellsworth of Arapahoe; Henry C. Thatcher of Pueblo; William W. Webster of Summit; John S. Wheeler of Weld; William H. Meyer of Costilla; Robert Douglas of El Paso, and Casimero Barela of Las Animas.

Revenue and Finance.—William H. Cushman of Clear Creek, Chairman; Abram K. Yount of Larimer; John S. Hough of Bent; S. J. Plumb of Weld, and Lewis C. Ellsworth of Arapahoe.

Counties.—George Boyles of Las Animas, Chairman; William H. James of Lake; William C. Stover of Larimer; Daniel Hurd of Arapahoe, and S. J. Plumb of Weld.

Officers and Oaths of Office.—Willard B. Felton of Saguache, Chairman; Ebenezer T. Wells of Arapahoe; William Lee of Jefferson; Henry R. Crosby of La Plata, and Robert A. Quillian of Huerfano.

Military Affairs.—Byron L. Carr of Boulder, Chairman; A. D. Cooper of Fremont, and George E. Pease of Park.

Mines and Mining.—William M. Clark of Clear Creek, Chairman; William H. James of Lake; William R. Kennedy of Hinsdale; Lewis C. Rockwell of Gilpin; Henry R. Crosby of La Plata; William C. Stover of Larimer; Frederick J. Ebert of Arapahoe; Byron L. Carr of Boulder, and William W. Webster of Summit.

Accounts and Expenses, Etc.—Abram K. Yount of Larimer, Chairman; Frederick J. Ebert of Arapahoe, and Casimero Barela of Las Animas.

State Institutions and Buildings.—Robert Douglas of El Paso, Chairman; Daniel Hurd of Arapahoe; Robert A. Quillian of Huerfano; William H. Cushman of Clear Creek, and William R. Kennedy of Hinsdale.

Congressional and Legislative Apportionment.—William E. Beck of Boulder, Chairman; Henry C. Thatcher of Pueblo; Robert A. Quillian



Wm E Beck



of Huerfano; Lewis C. Ellsworth of Arapahoe; George G. White of Jefferson; William H. Meyer of Costilla; George E. Pease of Park; William R. Kennedy of Hinsdale, and William M. Clark of Clear Creek.

Federal Relations.—P. P. Wilcox of Douglas, Chairman; George G. White of Jefferson, and Jesus Maria Garcia of Las Animas.

Future Amendments.—George E. Pease of Park, Chairman; Clarence P. Elder of Arapahoe; George Boyles of Las Animas; P. P. Wilcox of Douglas, and Alvin Marsh of Gilpin.

Revision and Adjustments.—Ebenezer T. Wells of Arapahoe, Chairman; H. P. H. Bromwell of Arapahoe; Byron L. Carr of Boulder; William Lee of Jefferson, and Lewis C. Rockwell of Gilpin.

Schedule.—Robert A. Quillian of Huerfano, Chairman; Ebenezer T. Wells of Arapahoe; Wilbur F. Stone of Pueblo; Alvin Marsh of Gilpin, and Byron L. Carr of Boulder.

Enrolling and Engrossing.—A. D. Cooper of Fremont, Chairman; Henry R. Crosby of La Plata, and J. W. Widderfield of Bent.

Miscellaneous.—Lafayette Head of Conejos, Chairman; William E. Beck of Boulder; Jesus Maria Garcia of Las Animas; William Lee of Jefferson, and Clarence P. Elder of Arapahoe.

State, County and Municipal Indebtedness.—H. P. H. Bromwell of Arapahoe, Chairman; William H. Cushman of Clear Creek; John S. Hough of Bent; Robert Douglas of El Paso, and Abram K. Yount of Larimer.

Forest Culture.—Frederick J. Ebert of Arapahoe, Chairman; Willard B. Felton of Saguache, and William C. Stover of Larimer.

If the work of the principal committees was at all times onerous and often discouraging, the most vexatious because the most thankless task, doubtless fell upon the committee charged with the article concerning the Judiciary Department. Yet they never faltered in determination, but were laborious and astute in devising and considering plans of every practicable description, and never halted as long as a scrap of benefit could be secured to the judicial system of the State.

But it is of the nature of that subject that whosoever labors in the task of reducing any proposed system to practical operation, comes sooner or later to learn that no department of public affairs presents such obstacles to the designer. The immense expense which under the most favorable conditions it entails upon the State, the county and the people, is the cause of this. For the officers who may be termed first-class, as judges of the Supreme and Superior Courts, alone outnumber all the executive State officers, and beside these are the judges of inferior and limited jurisdiction,—all officers of the Supreme and other courts, including sheriffs, deputies, bailiffs, referees, clerks and deputies, together with justices and constables, jurors, grand jurors and witnesses, in all the counties; also prosecuting attorneys and their deputies, all of whom are necessary in carrying on its multitudinous functions, and their compensation requires great outlay. And beside this, is the time consumed by litigants, and much loss by jurors and witnesses in compulsory attendance at inconvenient times, as to them. All these causes of expense have always prevented establishing the judiciary upon a sufficiently ample scale to insure prompt administration. Much more is it so of late years, when the increase of business and consequent litigation, and the countless multitude of changing and ill considered laws, continually and greatly outruns the increase of population and of public means.

The report of the Committee on "Bill of Rights" (Mr. Marsh chairman), was the first ready for presentation to the convention, viz., on the 8th of January, and was laid before that body on the tenth day of January, and was under discussion on the fifteenth day of actual sitting of the convention. It was very thoroughly prepared, and contained provisions not to be found in any other constitution.

The Committee on the Executive Department (Mr. Elder chairman) was the first of the three charged with the articles on the Governmental Department, to report. The chairman during the recess of the convention had devoted to that particular subject the same ceaseless attention and sagacity which he had bestowed on the entire work, from

the time of the election of the members, and his committee was able to present a draft of the Executive Article on the ninth day after the reassembling of the convention, the 14th of January, and it was under discussion on the 17th of January.

The committees on the other two departments of course could not possibly and profitably proceed so rapidly, for their several tasks involved a greater multiplicity of diverse matters, many of which were the subjects of widely different views, both in the convention and among the people throughout the Territory.

The report of the Committee on Forest Culture (Mr. Ebert chairman), and that of the Committee on State Institutions and Buildings (Mr. Douglas) came in shortly after, followed by the report on State, County and Municipal Indebtedness (Bromwell) on the 28th of January, and the report of the Committee on the Legislative Department was then before the convention, and with others on their career of transmigration through committee of the whole, the convention itself, and back again to the proper committee and so on to the end, as further deliberation brought out the necessity of further provisions and amendments.

Following these came in succession, the report on Future Amendments (Pease),—on Counties (Boyles),—Education and Educational Institutions (Hurd), Mines and Mining (Clark), until on Friday, February 4th, when the Committee on the Judiciary Department made their report, which was placed on the gridiron of the Committee of the Whole.

Then followed the reports of the Committee on Federal Relations (Wilcox),—Right of Suffrage and Elections (Webster),—Impeachments and Removals from Office (Crosby),—Schedule (Quillian),—Irrigation, Agriculture and Manufactures (Plumb),—Corporations, Public and Private (Rockwell),—Revenue and Finance (Cushman),—Miscellaneous (Head),—Officers and Oaths of Office (Felton), until all were in, except that the reports of those committees which must report from time to time, as the Committee on Revision and others, are not mentioned here.

As to the work done by the principal committees, it was constant and continued to the last, but it must be borne in mind that every mem-

ber of any Committee was also a member of from two to four other committees; and this fact renders the difference in date of the different reports of less significance than if the case had been otherwise,—the work having been so distributed that the members had to shift from one committee to another, and at the same time so managed that every report was ready as soon as wanted. As one set of committees became more or less relieved, in other committees the work was more and more increased; but as to the members, such changes mostly were nothing more than a change of work, and often an increase thereof. Thus for instance, the chairman and members of the committees on Bill of Rights and Executive Department, were on other equally important committees, as may be seen on inspection of the list of committees given above.

As in other cases of making constitutions, the framers of our constitution, doubtless in some particulars “builted wiser than they knew,” and in some other matters not so wisely as they hoped, yet it is due to the leaders in the majority which ruled in each case, to say here, first, that most things in which their action stands well approved to-day, in the light of further experience, are positive enactments; and the few instances in which fault may now be alleged, are matters of omission,—that is, of desirable provisions rejected; whence it follows that they can be readily amended by the addition of a few lines in one or two articles; and such amendments were provided for in the construction of the articles and sections, in case they should be deemed necessary, so that such additions can be inserted without producing conflict with any part of the work, or creating ambiguity or confusion.

Secondly, that it is especially true that in most of those provisions deemed of great value now, they followed their own foresight and judgment, unaided by any ascertained public opinion, while in those matters in which fault now appears or is alleged, if any, their judgment coincided with the sentiment then prevailing in the public mind. Hence, the people of Colorado have less ground on which to share the praise, than the blame. And further, the error in most cases (if there be any) if not

in all, was in placing too much reliance on the wisdom and care of future legislatures, formerly a very safe reliance, as shown by the old constitutions, and the legislation under them.

Further, it must be considered that the men who led the majority in determining the course pursued as to several subjects; notably the provisions concerning corporations, water rights, railroads and the like, in which the public interests find too little protection to-day, were mostly, if not all of them, equally active and firm in the large majority which so well fortified our noble free school system against the movements, open and covert, to cripple its efficiency, which are now springing, and spreading throughout the country.

As might have been expected, upon these questions, as well as on that concerning the fees of public officers, there was no insufficiency of what is known as "the lobby," to say nothing of petitions and remonstrances from all quarters, couched in the most urgent terms.

The siege upon the convention in the railroad matter, was led by the most influential of the public men of the Territory; and, concerning the school question, by more men of the same class than the people have supposed, and by the clerical authorities of at least two prominent ecclesiastical bodies, although other such bodies warmly supported the majority of the convention.

As to the question of fees or salaries, the obstruction was entirely the work of officers and party politicians, and conducted according to the tactics usual in such cases. It came too late, however, to prevent the State officers from being provided with salaries; and to this day, the officers receive their salaries, and the State the fees, consequently there is never any "lobby" to prevent the legislature from reducing the fees of the State officers, or to procure legislation to create a necessity for additional fees. But at that time there were no State officers to interfere.

Upon the important and difficult subject of public indebtedness, there was no noticeable attempt to influence the action of the convention but it would be otherwise now and hereafter, as plainly appears

from the action of many county and other municipal boards, as well as of certain "members of the press."

Now it may be seen from what is shown in small part above, that some cause must have existed which may have tended to modify the action of some of the majority of the convention, in deciding upon the questions affecting corporations, railroads, water rights and fees and salaries and the like, and which gave especial effect to the opposition from without, to the measures proposed and urged by a minority in dealing with those subjects.

There was such a cause, and one which could not have place in the minds of members of a legislative body having inherent power to promulgate laws, *absolute* in their character, as the statutes of the legislative assembly of a sovereign State. It was not necessarily any influence which might be exerted on the mind of a member to cause him to act as he otherwise would not, and so deter him from performing his duty, but it acted, if at all, in this way. The convention was not a legislative body. It could enact no laws. Its work when completed, would be in the nature of a protocol, to be adopted or rejected by the entire people, and they, and not the convention, would enact the instrument, if enacted at all, into an existing and valid organic law. But it must pass their scrutiny with all the influences opposing it at the convention, arrayed against it in every part of the Territory. Now it is one thing for a set of crafty lobbyists to induce a member to act contrary to his better judgment through self-interest or other unworthy motive, and another and very different thing, to create a fear that if certain provisions shall be incorporated in an instrument sought to be adopted by the people, the parties opposing will be able to procure its defeat at the polls. In such a case all the good already secured and likely to be secured by the work of the convention, would be in jeopardy of entire overthrow in the end.

Such a result in the then condition of the Territory could have been nothing less than a disaster of great magnitude. It would not only have prostrated the State movement in the Territory for years, but

it would have disgusted Congress, which for the first time in such a case, had appropriated twenty thousand dollars of the public money, in aid of the Territory in paying the expenses caused by the convention, and other necessary proceedings.

This question of the adoption of the constitution by the people, was, as it always has been in every such convention, often discussed on the floor, as well as in the committee rooms, and it was continually in view. If the efforts of those who represented the interests of syndicates, corporations and monopoly generally, had any influence on the acts of any members of the convention, it is but fair to suppose that it was caused by what they considered prudential considerations, based on actual conditions, not to be controlled by themselves or the convention. In fact, such considerations did affect the minds of all, to a greater or less extent, of each, according to his own judgment of what the people would really do.

But those members with whom the writer had the honor to act from first to last in the minority on the four questions to which these remarks apply, can of course claim no benefit from this statement of the case. It is therefore not on their account that these reflections are offered; but because they are justly due to others who were actuated by different views, whose number was sufficient to cast the majority either way, and whose title to rank among honorable and capable men, in the most comprehensive sense of those terms, can never be gainsaid.

It has been claimed of late that the convention sitting when the community was weak in numbers and resources, could not prepare a constitution adapted to the exalted state of business and affluence to which we have lately arrived; and consequently, however little it may have been hitherto supposed by the people, it is very defective in all its parts, and should be reconstructed throughout, by means of a new and different sort of convention, one more in keeping with modern legislative views.

The constitution doubtless has defects, but they are not such as complained of, and it is part of its history (consequently proper to be

mentioned here) that none of them arose from the cause or causes assigned.

The convention was well aware of the condition of the country, and fully expected a great change, and for that reason labored, not to fit the constitution solely for the then existing, or for any anticipated conditions, but as to all its provisions which, from their nature, are not to be affected by changes in the condition of public affairs, to make the same absolute; because of necessity they must prove to be equally good or bad, in one case as well as another; but in all provisions which change of affairs might affect, to make them adjustable. For this purpose they introduced different scales of adjustment; some based on increase of population, and others on increase of resources; as taxable property, —the two factors which rule in the principal class of changes which legislators in this country are called upon to provide for. Most of the conditional provisions involve both scales. As to matters of social, moral and intellectual advancement, they left very little to provide for which can fall within the limited sphere of governmental supervision, according to American ideas of the proper functions of government.

Very few constitutions, if any, contain so many and various provisions for adjustment as that of Colorado, and from this cause most of the alleged defects (seriously mentioned) will appear on examination to be defects in the situation; that is, in the necessary state of circumstances and conditions of the country; and by means of the elasticity of the constitution will disappear of themselves, or otherwise can be removed with facility by the easy mode of amendment provided for in the body of the instrument, and might have been, if deemed important, amended before now. In fact, a number of amendments have been made concerning small matters, and some of them of questionable utility, while those now complained of for the first time, have been left untouched.

As to the defects, whatever they are, they are mostly such as arise from oversight or inadvertence, and doubtless would have been in the work if the present circumstances had then existed, and the same or

others might appear in the work of any new convention, for oversights do not depend on conditions of public affairs, but they are found in the work of all public bodies, more or less, according to their opportunity for exercising care and diligence, and probably in no State constitution less than that of Colorado—unquestionably not in any constitution formed under a pressure of circumstances which reduced the time spent in its construction to no more than seventy-two actual working days, exclusive of Sundays and the Christmas adjournment.

To show in particular the merits (or demerits, if any) of the members or committees is not intended here, but it is due to the public to say, in order that it may be publicly known, that besides the men in that convention whose competency and sterling qualities have been in many ways brought before the people, both before and since the time of the convention, there was a greater number than is generally supposed, and greater in proportion to the whole number than falls to the lot of but few such bodies, whose constant thoughtful and unobtrusive labors have never attracted public attention as they merited, and the people of the State to-day know not how much is due them in appreciation and gratitude.

And this, and what follows concerning them, may be said without detracting in the least from what is due to those who are better known throughout the State, by reason of their connection with important positions, or otherwise in such pursuits as have brought their names much before the people,—as Barela, Beck, Clark, Ellsworth, Elder, Ebert, Felton, Head, Hough, James, Kennedy, Marsh, Meyer, Quillian, Rockwell, Stone, Thatcher, Webster, Wells, Wheeler, White, Wilcox and Wilson.

There were on several of the committees which were charged with great labor and the consideration of vexatious complications, certain members whose services were remarkable, both in the ability displayed and incessant attention to the business before them.

Of these there were on the Committee on Public Indebtedness three of extraordinary capacity for that difficult work, Robert Douglas

of El Paso, Abram K. Yount of Larimer, and William H. Cushman of Clear Creek. Two of these were engaged in banking at the time, the other was a farmer and stock grower, and had been Judge of a Court of Record.

The people of the State little understand what foresight, sagacity and knowledge in financial, State, county and town affairs was displayed by them severally in their untiring labor on the committee last mentioned, which had in charge one of the most complicated subjects acted on by the convention.

Two of them, Messrs. Yount and Cushman, were also on a committee on a closely allied subject,—that on Revenue and Finance,—of which Mr. Cushman was chairman, where their services must have been equally valuable, while Judge Douglas was chairman of the Committee on State Institutions and Buildings, and he was also on the Committee on Education and Educational Institutions, a position for which he was remarkably well fitted. Each was also on other committees. Yet neither of them attempted any display of his abilities on the floor.

Another trio of men too little known outside the convention, according to their deserts, were A. D. Cooper of Fremont, S. J. Plumb of Weld, and William Lee of Jefferson. All three were together on the important Committee on Irrigation, Agriculture and Manufactures, of which Mr. Plumb was chairman. He was also on the Committee on Counties, a very troublesome subject; while Mr. Lee served on the important Committee on Revision and Adjustment, and on that of Officers and Oaths of Office, a very important one, and also on the Committee on Miscellaneous Subjects, which means much in a Constitutional Convention. In this case it included the subject of Division of the School Funds, Classification of Counties as to fees, and other like important matters.

Mr. Cooper was on three other committees, Corporations, Public and Private, Military Affairs, and Enrolling and Engrossing. Two of these last mentioned were charged with very perplexing subjects, the third with much tedious drudgery.

The Irrigation Committee, wherever found, is (to its members) a mild form of martyrdom. It is simply snowed under by difficulties. The brood of conflicts between different interests having reasonable claims impossible to be satisfied, because of the natural conditions, wear out patience and perseverance in any human organization, while the responsibilities are very great. The sagacity and perseverance of these men enabled them to effect more than could have been expected, in dealing with the exceptional conditions affecting the subject of irrigation.

Three others must be mentioned here : Daniel Hurd of Arapahoe, William C. Stover of Larimer and J. W. Widderfield of Bent.

Mr. Hurd was chairman of the Committee on Education and Educational Institutions, also one of the Committee on Counties, and that on State Institutions and Buildings. His ability and devotion to the cause of free schools, and the work of rightly founding the free school system of the State, made him a man of mark to all who came in contact with him. His industry and perseverance were equal to his other qualities.

Mr. Stover was on the Committee on the Legislative Department, and that on Mines and Mining, and also on the Committee on Counties. Mr. Widderfield was on the Committee on Bill of Rights, also on the Committee on Irrigation, Agriculture and Manufactures, and on Enrollment and Engrossment. These two men were members whose abilities and usefulness in that body deserve far more appreciation than the people of the State are likely to suppose. But their colleagues in the convention knew that they were always at the post of duty, and vigilant and discreet.

Beside the above mentioned shall be named here two others, Byron L. Carr of Boulder, and George E. Pease of Park. These are spoken of in this connection, not because they were unknown, but because neither of them was then known generally at his real value for the purposes of that convention.

Judge Pease was a man versatile in his capacities, and his discretion and knowledge of law, especially in its fundamental, that is, its constitu-

tional principles, rendered his work in the convention indispensable. He was chairman of the Committee on Future Amendments, one of the Committee on the Judiciary Department, and on the Committee on Military Affairs, and on that on Congressional and Legislative Apportionment.

Col. Carr was also a member of the bar, well grounded in law and the constitutional principles of government, and versed in general scholarship, especially in the effective use of language, as was made to appear in his work in the Committee of Revision. His sagacity and competency in that work were remarkable. His industry and constancy could be excelled by none. He was chairman of the Committee on Military Affairs, a member of the Committee of Revision, of that on Mines and Mining, the Committee on Education and Educational Institutions, and also on the Committee on the Schedule.

A number of the members have since the time of the convention been elected or appointed to responsible official positions, under the constitution and laws of the State, or of the United States.

Of these, Casimero Barela, William W. Webster, Lewis C. Ellsworth and Clarence P. Elder, and William H. Meyer have served in the State Senate, and Robert A. Quillian, George E. Pease and Robert Douglas in the House of Representatives. Mr. Barela in both houses, in one or the other continuously.

Alvin Marsh in the office of Attorney General; William H. Meyer, Lieutenant Governor; William M. Clark, Secretary of State; Willard B. Felton, Secretary of the Senate and Warden of the Penitentiary; P. P. Wilcox, United States Marshal; William W. Webster, Capitol Commissioner. Each of these has served in his office to the benefit of the people, and with honor to himself.

From the Committee on the Judiciary Department besides Felton, Marsh, Wilcox and Pease, above mentioned, have been chosen four members of the Supreme Court—Ebenezer T. Wells, Henry C. Thatcher, Wilbur F. Stone and William E. Beck, the latter having served on the district bench. Eight in all from that committee.



C. Barela

In their career as judges, they and their colleagues, Judges Elbert and Helm, and with them the judges of the district bench throughout the State, have done a greater work than the people are aware of in maintaining and perfecting the system of Colorado law and jurisprudence, concerning water rights, which was initiated in the days of the first settlement of the country by the Territorial legislature, and partially developed by the Territorial courts,—notably by the decision of that admirable jurist, Judge Moses Hallett, in the El Paso case, and now further perfected as cases have arisen, among which are *Yunker vs. Nichols*, 1 Col. Rep., 551,—*Coffin et al vs. Left Hand Ditch Co.*, VI Col. 444,—*Seiber et al. vs. Frink et al.*, VII Col. 148,—*Golden Canal Co. vs. Bright*, VIII Col., 144,—*Wheeler vs. Northern Col. Ir. Co.*, X Col. 582, and many others in the Supreme courts, and also in the District courts. Of the latter are the many decrees in the adjudication of water rights, beginning with the work of Judge Victor A. Elliott in the Second District, and followed by that of all the judges of the State then sitting, and their successors hitherto, which decrees have proved so satisfactory throughout the many water districts, that they have never found their way into the reports of the Supreme Court decisions. And it may now be truly said that our courts have given to Colorado a far better system of adjudicated irrigation law, than could have been expected under the scanty enactments of Congress, the Territorial legislature, the constitution and statutes of the State.

And this has not been done by that encroachment on legislative functions which is aptly termed “judicial legislation,” but by that wise and truly judicial discretion which “discerns justice by the law,” and which is in truth part of the law itself, and the proper function of a judicial tribunal to declare, and that by which it makes title to being a veritable “department” of the government.

In this, as in several other matters, the courts of Colorado doubtless deserve the acknowledgment that they have already done more for the agricultural interests of the State than has been done in the way of regulation by law, outside the judicial forum, except that the consti-

tution did provide for priorities, and that reasonable rates should be established by County Commissioners, which last is in effect the same as the statute of A. D. 1861.

The County Commissioners have also contributed their full share in the work, as is shown by the decision of the county boards of Douglas and Arapahoe Counties, in which they held that a reasonable rate is that which is reasonable in respect to the interests of both the user and the purveyor of the water, and in view of the use and of the case, as presumed to have been known to both parties before the diversion of the water from the stream.

The members of the convention were of course divided as to political affiliation, the majority being Republicans; but this division, as before said, never caused a ripple on the stream of discussion.

The Republican members were Messrs. Yount, Wilcox, Wells, Webster, Wilson, Thatcher, Rockwell, Plumb, Meyer, Marsh, James, Head, Hurd, Felton, Ebert, Elder, Ellsworth, Douglas, Crosby, Cooper, Clark, Carr, Beck and Bromwell.

The Democratic members were Messrs. Widderfield, Wheeler, White, Vijil, Stover, Stone, Quillian, Pease, Lee, Garcia, Hough, Kennedy, Cushman, Boyles and Barela.

They were also divided both in racial descent and native language. One of these divisions might be called sectional, also, that between the English and Spanish-speaking members; another between the English and Spanish-speaking on one part, and those whose native language was German on the other part. The Spanish-speaking by nativity were Messrs. Agapito Vijil (Veheel) of Las Animas, Jesus (Hasoos) Maria Garcia (Garcea—accent on second syllable) of Las Animas, and Casimero Barela of Las Animas. Of these three, Mr. Barela, in consequence of his command of the English language, was accorded unanimously the position of leader of the representation of the Spanish-speaking citizens of the southern counties, while Messrs. Vijil and Garcia, although embarrassed by being compelled at times to resort to the aid of an interpreter, engaged earnestly and understandingly in the

work before the convention, and closed their labors with honor to themselves and their constituents, and benefit to the State they helped to set on foot. Mr. Vijil supported the provision prohibiting the division of the school funds, against the motion of Mr. Hough to strike the provision out, and also on the final adoption of the section. Mr. Garcia and Mr. Barela being absent, the writer cannot certainly state their position on that point, further than that they were firm friends of education and morality in all respects.

As to Mr. Barela, he has made his name familiar throughout the State by his many years of service in both branches of the Territorial and State legislature. In the convention he exhibited the same characteristics of generosity and courtesy which have won for him the esteem of his colleagues in all those bodies. Taken together, the Mexican delegation won the confidence and regard of all, as well as their lasting friendship.

They were not the only representatives of the Mexican element. Mr. Meyer and Col. Head, old residents, and versed in the Spanish language, represented two of the "Mexican counties."

No one who has ever visited Conejos, fails to remember the wide dwelling house of Mr. Head, which covers a space as large as a half block in any part of the city of Denver, and on every foot of its floors the stranger finds a welcome, which unites the old Missouri hospitality with the proverbial bounty of the Mexican home life.

The German stock in our Colorado community was well represented by Mr. Frederick J. Ebert of Arapahoe, and Mr. William H. Meyer of Costilla.

Mr. Ebert was a noble man, and a faithful representative of the best modern intelligence and thought, as might be inferred from his name standing in the biographical roll of at least one of the German cyclopedias, before he was known in Colorado.

Mr. Meyer could represent both the German and Spanish, as well as the English-speaking portion of his district, for, like Mr. Ebert, he was a man of languages. His residence in a part of the Territory in

which some opposition to the public school article was manifested, did not swerve him from the instinctive German loyalty to the cause of free schools, and he stood by the provision against the division of the public school fund to the last. Mr. Ebert was notable in his devotion to the cause of education, especially the public free school system, and his mind was always on the alert in furtherance of every enterprise for the diffusion of knowledge among all classes of the community. In true manliness of character he was at once an ornament to the German race, and an honor to his adopted country.

The convention was not altogether so solemn a body as some might suppose. Indeed, no assembly with Stone, Wilcox and Crosby on the floor, could fail to have some genuine old-fashioned fun at times, or at odd hours in the hall or other rooms.

It had also some sport occasionally in the way of punishing those who "appeared out of sight," when for some cause their presence was required. On one occasion of this sort, Judge Wells and Mr. White being found delinquent, Judge Wells was mulcted in two boxes of cigars, and a bushel of apples, while Mr. White was let off with a peck of peanuts, all which property disappeared; that is, was "consumed in the use" of the convention, before it could be turned over to the proper custodian of the Territorial property. This, of course, was because there were "distressing doubts," as the courts say, as to whether the United States or the Territory was the lawful claimant, as the convention was representing one, and acting solely under the authority of the other of those two powers.

The reason assigned by the inculcation committee in their report against the delinquents, why Judge Wells should be punished more severely than his colleague in non-feasance, was that he (Wells) had been extremely severe while on the bench in punishing dilatory witnesses and jurors, but it has been slightly surmised that the cause was that his "example was odious," in working more hours per day on the judiciary and legislative articles than some others deemed to be "healthy" under the circumstances.

There took place afterward a more serious incident, which serves to show what great results may depend on apparently unimportant movements, concerning widely different matters. A portion of the judiciary committee brought in a report proposing that a popular election for the choosing of electors for President and Vice-President, "should be called by the convention, in the election ordinance." Judge Pease, of the same committee, at once took the floor in opposition, on the ground that such a provision would be null and void, for want of power in the convention to deal with the subject.

A lively debate followed, which ended in the convention resorting to the mode which formerly obtained in South Carolina, viz., leaving the electors (for the year A. D. 1876) to be chosen by the legislature itself, which was the only practicable mode, as the legislature could not possibly be elected and meet in time to order an election by the people. The truth is, that a legislature of the State is the only power which can elect or provide for the election of those officers.

Now, before that time, some spiritual medium had received a prediction from the other world, that on that year (1876), "the President of the United States would come from Colorado." Those most imbued with faith in this prophecy, announced at once that a Colorado man would be the next President, according to the literal sense of the words used. But those better skilled in the art and mystery of augury, incantations and the like, gave a more truly oracular character to the prediction; that is, a more ambiguous one, and maintained that it meant either that the next President should be a citizen of Colorado, or that he should be chosen by the vote of Colorado, which ever might happen.

What followed? Why, sure enough, it turned out that the last mentioned expounders were right, for the mode of choosing the electors being made legal by the legislature selecting them, the vote of Colorado did actually elect Gen. Rutherford B. Hayes President by one majority, and if it had been cast for Governor Samuel J. Tilden, would have elected him by five majority. But if the mode of choosing the electors had been otherwise fixed by the convention, it would have been manifestly void,

and so declared, and Governor Tilden declared elected by two majority, without any dispute, such as arose when the returns began to come in; consequently, the attempts to influence presidential electors, and the returning boards in several States, the cipher dispatches, and the perambulations of the so-called "visiting Statesmen" of both parties to certain States, to appear before returning boards where they had no sort of business, would never have taken place.

The faithfulness of the members and officers of the convention is well known to all who took notice of their conduct, and is shown in part by their continuing at their work, adjusting, amending and revising, by adding, taking out and modifying, by day and night, twenty-one days after the expiration of the time for which they could be paid. And this, while most of them were pressed by extremely urgent affairs of their own, already long neglected; and indeed, many of them thus lost pecuniarily far more than all they received for their services, while not a single member, so far as known, ever asked the legislature of the State to pay the unpaid portion of their salaries. However, it was, after some nine years, paid by the voluntary act of the legislature.

During the entire session no clerks were employed to assist any committee, except that Mr. Salisbury, assistant Engrossing and Enrolling Clerk, devoted much valuable labor in aid of the Committee on Revision in the numerous engrossments of sections and articles rendered necessary by the special work in which they were engaged.

But none of these considerations availed to secure the convention against a loud clamor on the part of a portion of the community, calling on the convention to adjourn; and every day and night that they continued at the work, they were harassed by the impatient expressions of unreflecting or interested parties. Indeed, some few of the members were so influenced by what they saw and heard, that they began to urge an adjournment. But there was at all times a working majority who would have staid by the work much longer than they actually did, had they found it necessary.

Before they adjourned finally, they published an address to the people, setting forth the reasons for their action in the most important provisions of the constitution, which address was prepared by a committee of which Wm. M. Clark of Clear Creek, was chairman, and contains matter well worth perusal at this time. They then paid off the last item of expense incurred, out of the funds in hand, procured a gold pen with which to subscribe the constitution in duplicate, which, being done, they presented to the President of the convention the pen and the large dictionary, purchased first by the Secretary of the Territory for the use of the convention, and then purchased by the members from the Territory, for presentation as mentioned; also a cordial address subscribed by the members. The pen is the same deposited some months ago by President Wilson in the Mercantile library, established by the Chamber of Commerce of the city of Denver.

At the last, when all was done, there came to this, as to all other such human assemblies, the conclusion.

It would have been a time of gratulation in a burden lifted, of satisfaction in a work accomplished, but the gladsome sense of release was repressed by the reflection that the liberation from a task was the signal of the separation, and all knew that to such a dispersion there follows no reassembling, at any time or place.

The names of all remain on the double roll where they subscribed them, each with his own hand, but those of Thatcher, Hurd, Yount, Boyles, Ebert, White, Cushman (and most likely Crosby), have been triplicated by the hands of others on their scattered headstones.

Shortly the roll call thus begun, beyond the invisible portals of "the world to be," will be fully answered,—and the convention,—a bubble on the stream of human memory.

In the foregoing sketch of the convention and its work, Judge Bromwell, with characteristic modesty, has avoided reference to his own services in that historic assembly of lawmakers, hence the author has undertaken to supply, in so far as he may, the noticeable discrepancy.

It is the testimony of his colleagues that, to his enlightened judgment, ripe experience and unrelenting zeal, and to the many wise provisions drafted by him, we are indebted for some of the higher excellencies of our fundamental charter. It is well also to add, that while some of the propositions advanced by him, and most eloquently advocated as essential features for the protection and well being of the State, were rejected, for the obvious reason that his associates failed to penetrate the future with the keen foresight given to him, it is now discovered after a little more than a decade of advancement, when the State has developed more swiftly than the more sanguine then conceived to be possible, that the errors which he discerned and strove to guard against, have grown and multiplied into serious grievances, for the want of the restrictions which he would have supplied. One of these was designed to abolish the indefensible fee system, by the substitution of salaries, but the overwhelming influence of an organized lobby, which threatened the constitution with defeat if this provision were incorporated, excited the fears and overcame the better judgment of the majority and it was left out, thereby opening a veritable Pandora's box of evils, to harass the people by multiplying costs, involving disgraceful corruption in politics, and casting burdens upon the taxpayers which can never be justified nor condoned, notwithstanding the precedents found in the government of the United States and in most of the State constitutions.

Bromwell was essentially honest, and moreover, was inspired by the loftiest patriotism in his endeavors to produce an instrument which, if not wholly perfect in all its parts, should achieve the highest attainable degree of excellence. To this purpose he devoted his fine talents with unflinching energy and great enthusiasm. Though not always right in his conclusions, he was always candid, and much oftener right than wrong. A profound student and an able lawyer, given to acute analysis of legal problems, he discussed all questions by the light of a long and active life in the practice of his profession, and extended service in State and national legislatures. The younger delegates, relying upon his wisdom, often consulted him as to the effect of important measures

introduced, and while sometimes entertaining convictions opposed to his, the changes time has wrought have convinced them, that in some cases at least, it would have been better had his opinions, and not theirs, controlled final action. But, as has been stated in his review, all the members were actuated by the common motive,—the production of an acceptable constitution, and the few imperfections now observable were simply errors of judgment, and may be amended as the need appears. Upon one thing all agree, that Bromwell was one of the most fervent, high minded, learned and useful members of the convention, and it is unquestionable that some of the better features of the charter relating to irrigation and the public lands, as those also which restrict public expenditures to the measure of current revenue, were originated by him, therefore the large class of people who are beneficially affected thereby, have cause to be grateful to him for the efforts put forth in their behalf.

CHAPTER XV.

AREA AND BOUNDARY LINES OF COLORADO—CHARACTER OF THE SEVERAL DIVISIONS—GEN. J. W. DENVER, AND HIS STORMY ADMINISTRATION IN KANSAS—ADOPTION OF OUR STATE CONSTITUTION—ADMISSION PROCLAIMED BY THE PRESIDENT—MEETING OF THE POLITICAL PARTIES—NOMINATIONS FOR STATE OFFICERS AND FOR CONGRESS—THE FAMOUS BELFORD-PATTERSON CONTEST—COLORADO DECIDES THE PRESIDENTIAL ELECTION OF 1876—EFFORTS TO DEPRIVE BELFORD OF HIS SEAT IN CONGRESS.

Colorado is the only State or Territory, whose boundary lines are so exactly drawn as to form a perfect parallelogram. Since the lines originally defined for the so-called Territory of Jefferson, which preceded the organization of the Territory of Colorado, were adopted by Congress with slight modifications, it has become a marked figure upon the maps of the nation, occupying as it does, a conspicuous central position in the western half of the continent, and embracing the greater portion of the Rocky Mountains of the West.

The area, boundary lines and geographical center of Colorado, as set forth in different publications, show many and wide variations, no two of them being in agreement. Desirous of procuring for this work the exact figures, if obtainable, I applied to Professor P. H. van Diest, a distinguished engineer, in charge of the chief department of the Surveyor General's office, and the most learned authority on the subject, who has kindly furnished the statement which follows:

"Its area is 103,477.93 square miles, embracing 66,205,875.20 acres, equal to that covered by the States of New York, Pennsylvania, Massachusetts and New Jersey. The plains east of the mountains constitute about one-third of the total area, the remainder, in the middle being mountains and parks, and in the western high mesa lands. The

greater portion of the mesas can be cultivated if sufficient water can be brought over them for purposes of irrigation. The park and mountain region is, in general, too elevated for agriculture, but may be extensively utilized as pasture ground for cattle, horses and sheep. The plains east of the mountains, which are all arable lands, can be made productive, and in a great many portions are producing large crops of cereals under systematic irrigation. The extent to which these lands can be tilled is only limited by the water supply from canals and reservoirs.

"At present, in the Platte Valley and its tributaries, 631,036 acres are irrigated, and 1,126,800 acres may be supplied by the 2,067.36 miles of ditches constructed and in operation.

"In the Arkansas Valley and its tributaries, 101,047 acres are irrigated, and 255,240 acres under 943.30 miles of ditch.

"In the Valley of the Rio Grande and tributaries 177,948 acres are irrigated, and 501,670 acres under 773.35 miles of ditch.

"From other river valleys, as the Grand, Dolores and others, no reliable data can be given, but it is estimated that not less than 5,000 miles of canals and ditches have been constructed, covering considerably larger areas than are given above. The water supply is by no means exhausted by these various arteries, but how much more land can be supplied, it is difficult to estimate. The 'information surveys' now being conducted under the direction of Major Powell, chief of the United States Geological Survey, will, it is believed, soon furnish trustworthy data on this subject, which is of vital importance to our people.

"Considerable portions of river and creek bottoms and uplands can be cultivated without irrigation. Sixteen thousand square miles of the State are covered by forests. The mineral lands, located along the mountain slopes, cover a large extent, although the aggregate of productive areas may not embrace many square miles. Four-fifths of the State has an elevation of 4,000 to 10,000 feet. The lowest elevation on the eastern border is 3,703 feet, and on the western 4,435 feet. The city of Denver stands at an elevation of 5,196 feet above tide water. Along the foot hills the average is 6,500 feet. In the principal parks,

formerly the beds of inland seas or lakes, it ranges from 8,000 to 9,500 feet. The summit of the main range averages about 11,000 feet. Seventy-two peaks rise to heights ranging between 13,500 and 14,500 feet above the level of the sea. The highest mountain is the Sierra Blanca, which has an elevation of 14,483 feet.

“The basis of 103,477.93 square miles should be adopted as the correct one, if the astronomical monuments placed at the four corners of the State were exactly in the positions assigned them by the act of Congress describing the boundaries, but they are not. When the first monuments determining the southern boundary were placed, the observations as to longitude principally, were necessarily inaccurate. In the absence of telegraphic communication of time, the observers were obliged to resort to moon culminations for their determination of the longitude, which leaves an error that is beyond the power of the most skillful astronomer with the best instruments to eliminate.

“The boundary between Colorado and New Mexico was surveyed in 1868 by Ehud N. Darling, and that between Nebraska and Colorado in 1869, by S. N. Chaffee; between Kansas and Colorado in 1872, by John T. Major, who also surveyed in 1873, that portion of the southern boundary north of the public lands between New Mexico and the Indian Territory. The boundary between Wyoming and Colorado was surveyed in 1872, by A. V. Richards, and that between Utah and Colorado in 1878-'79, by R. J. Reeves. A re-survey of this line from the southwest corner of our State to the White River crossing was made June 20th, 1885, by Allen D. Wilson, eliminating an error in excess of measurement up to that point, of one mile, 30.68 chains.

According to these surveys the boundaries are measured as follows:

West Boundary. 275 miles 29.96 chains, which is 39 chains 34 links shorter than the arc of a meridian between 37° and 41° latitude should be.

The East Boundary—

Between Kansas and Colorado.....207 miles 26 chains.

Between Colorado and Nebraska..... 68 miles 79.59 chains.

276 miles 25.59 chains.

Which is 36 chains 29 links longer than it should be.



H. W. Hobson



J. H. Wick

The North Boundary is measured—

Between Colorado and Nebraska.....104 miles 73.34 chains.

Between Colorado and Wyoming.....262 miles 28.53 chains.

367 miles 21.87 chains.

Which is 1 mile 32.44 chains too long.

The South Boundary is measured—

Between Colorado and New Mexico.....331 miles 60 chains.

Between Colorado and Public Lands..... 55 miles 22.50 chains.

386 miles 82.50 chains.

Which is 58.41 chains shorter than it should be.

“Accepting the measurements of the boundaries as final and correct between the four corner measurements, then the area calculated from these data should be 103,563.6380 square miles. But these figures are likely to differ again from the official figures, which can only be obtained when all the townships in Colorado shall have been surveyed.

“In the spring of 1858 the first lines of public survey were protracted from the system of lines in New Mexico within what is now Colorado. In the spring of 1859 the first lines of public survey were extended west within Colorado from the Kansas or Sixth Principal System. In the summer of 1861, Francis M. Case was appointed the first Surveyor General for Colorado, and since that time the survey of public lands has proceeded steadily until the present (October, 1889). Of the 2,757 full townships of thirty-six square miles, and 237 fractional townships along the boundary lines of the State, and boundaries of the Sixth Principal Meridian and New Mexico Principal Meridian System, covering the State, only 223 townships remain unsurveyed. The surveys of townships are not always correct, a limit of error being allowed of 80 links per mile, but the record of such surveys is official, and the area is accepted as it is given on the official plat.

“The geographical center of Colorado is situated in the meridian of longitude $28^{\circ} 30'$ west of Washington, and 122 feet north of the point of intersection of said meridian with the 39th° parallel of north latitude. This is very near the N. W. corner of the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of

Section 21, township 12 S. R. 73 W., and three miles N. N. E. of Spinney Station, on the Midland Railroad, in Park County."

The Territory of Louisiana, of which certain areas in Colorado form a part, was ceded to the United States by Napoleon Bonaparte, First Consul of France, by a treaty signed May 3d, 1803, and ratified by the American Congress October 20th following.

For this enormous grant, now of incalculable value, the United States, through Thomas Jefferson, paid sixteen millions of dollars. By the treaty of Guadalupe Hidalgo at the close of the war with Mexico, in 1848, the remainder of this vast territory, embracing the western and southwestern parts of Colorado, all New Mexico and Upper California, came into our possession by the payment of fifteen millions, which extended the national domain to the Pacific Ocean.

The act of Congress providing for the organization of the Territory of Kansas was approved May 30th, 1854. The name passed through various changes of orthography from the earlier writers to the later, thus—Canson, Kanson, Kanzas, to Kansas. Its limits extended westward from the Missouri River to the summit of the Rocky Mountain chain, and to the northward from the 37th to the 40th parallel. It was admitted into the Union January 29th, 1861, its boundaries as then defined, excluding all that portion theretofore claimed, and over which the Territory had asserted the right of jurisdiction, and including Colorado, or the Pike's Peak region. It is not my purpose to give even a brief synopsis of its history. The facts are fully set forth in the published annals of that State. The capital city of Colorado was named for one of its Territorial Governors, hence it is deemed advisable to make such reference to his career as the extremely brief record before us will permit.

Gen. J. W. Denver is a Virginian by birth, and a lawyer by profession. He earned his military title by gallant service in the war with Mexico. At the time of his appointment as Secretary and acting Governor of Kansas Territory, by President Buchanan in December, 1857, he held the office of Indian Commissioner, had lived on the borders of

Kansas and Missouri before the former Territory was opened to settlement, and when the commission reached him, was on a visit to friends in Lecompton. The honor had been several times tendered him, but respectfully declined. He knew the condition of affairs, the turbulence and confusion which prevailed, was in full accord with the better and more conservative free State element, but as most of the leading men of Western Missouri were his personal friends, he felt that if he became Governor of Kansas they would naturally expect him to conduct the government in their interest. Persistent urging finally induced him to accept. His first step was to conciliate and organize the thinking, rational and respectable forces for peace and order. Having taken a general survey of affairs, he wrote his conclusions at length to the President, urging him not to present the Lecompton constitution to Congress, but to earnestly recommend in his forthcoming message to that body, the adoption of an Enabling act, whereby the people might reorganize and make a fresh start for good government. The President was deeply impressed by the facts set forth in General Denver's letter, but he had already written his message and committed himself to the Lecompton outrage. Furthermore, he had read that part of the document to a number of Senators and Representatives, and he could not therefore, withdraw it.

Denver made a tour of Southeastern Kansas with a view to adjusting the disorders everywhere prevalent, delivering a number of well considered speeches that were well received, and for a time produced a quieting effect. Just as he began to feel encouraged over the better situation, old John Brown, who had been absent some months, reappeared on the scene, and thereafter, tranquility ceased. After a stormy administration, finding it impossible to stem the current, he resigned October 10th, 1858, since which time he has lived a quiet and rather uneventful life. He is a tall, robust, and rather imposing figure, with a pleasant face and expression, and engaging manners. Although he has not pushed himself to the front in political or other affairs, he made a fine record as a soldier, and had he been supported by the President,

his administration would doubtless have effected many salutary changes in Kansas, in the war of the constitutions. At this writing he is a resident of Wilmington, Clinton County, Ohio, President of a bank, and considered wealthy.

Returning to our own political affairs, the constitution having been framed as described in the preceding chapter, it was submitted to the people, accompanied by an admirably worded address, was voted upon and ratified on the 1st day of July, 1876, with the following result, as determined by the official canvass of the returns:

Total vote, 19,505. For the constitution, 15,443; against, 4,062; scattering, 18. Majority in favor, 11,381.

The vote was unexpectedly light in all the counties, therefore disappointing, since it gave credence to the too general impression held by the people of the seaboard States that our population was insufficient to justify the concession of statehood. Compared with the previous election the result was surprising, but much of the apparent indifference, instead of indicating apathy or a diminution of numbers, was found to be directly attributable to the fact that in the agricultural sections the farmers were just then occupied with preparations for harvest, and the miners in the midst of the busiest season of the year. No doubt the absence of the customary excitement of opposition had also much to do with it. On Tuesday morning, July 25th, Mr. John M. Reigart, private secretary to the Governor, left Denver for Washington, bearing a duly authenticated copy of the constitution and ordinances, an abstract of the votes, copies of proclamations and other incidental documents, together with the following certificate;

To His Excellency, U. S. Grant, President:

WHEREAS, In accordance with the provisions of an act of the Congress of the United States, approved March 3d, 1875, entitled "An Act to enable the people of Colorado to form a State government, and for the admission of the said State into the Union on an equal footing with the original States," the people of said Territory of Colorado, in obedience to the proclamation of the Governor, elected on the 25th day of October, 1875, representatives to a convention to form a constitution and State government; and

WHEREAS, The representatives chosen at said election assembled at the city of Denver, the capital of said Territory on the 20th day of December, 1875, and in accordance with the provisions of the act aforesaid, formed a constitution, and by ordinance provided for submitting the same upon the first day of July, 1876, to the people of said Territory for their ratification or rejection ; and

WHEREAS, Said election was held as aforesaid, the returns of which were made to the Governor who, with Hon. Charles D. Bradley, United States Attorney, being a majority of the canvassing board, canvassed the same at the Executive office in the said city of Denver and Territory aforesaid on the 24th day of July, A. D. 1876, and

WHEREAS, It appeared from said canvass that the total number of votes cast was 19,505, of which 15,443 were for, and 4,062 against, the ratification of the said constitution and ordinances;

NOW THEREFORE, I, John L. Routt, Governor of the Territory of Colorado, do hereby certify that said constitution and ordinances were adopted by a majority of 11,381 votes, and I further certify that the foregoing copy of said constitution and ordinances is genuine and correct.

In testimony whereof, I have hereunto set my hand and caused the seal of the Territory to be affixed at the city of Denver, this 24th day of July, A. D. 1876.

JOHN L. ROUTT, *Governor.*

Attest: JOHN TAFFE, *Secretary of Colorado.*

On the 1st of August, President Grant issued his proclamation, declaring and proclaiming the fact that the fundamental conditions imposed by Congress on the State of Colorado, to entitle it to admission into the Union, had been ratified and accepted, and that the admission of said State into the Union was now complete.

There came a time a few months later, when the authority of the President to declare Colorado admitted into the Union without further and final action by Congress, was vigorously contested in an argument of some length, from the minority of a Congressional committee, as we shall discover, but it was not adopted.

Thus was ushered into the august sisterhood, the Centennial State, in the year of the one hundredth anniversary of the Republic, an event then being celebrated in the city of Philadelphia by representatives of foreign nations, and by vast multitudes of our own people.

We now take up the political movements immediately succeeding the adoption of the constitution, and in regular order trace them to their respective conclusions.

The Republican State Central Committee held a meeting at Manitou on the 20th of July, 1876, to consider measures connected with the welfare of the party, and to arrange a plan of campaign for the election of State officers, a representative in Congress and a legislative assembly. At an early stage of these proceedings the following resolution was adopted, probably in remembrance of a previous unfortunate experience in putting up the higher prizes too far in advance of the will of the people:

Resolved, That it is inexpedient to nominate candidates for the United States Senate prior to the election for State officers and a legislature.

If there was any good reason for the adoption of such a resolution, it can only be found in the possible design to forestall indiscreet action by the subsequent convention of the party, or the ambition of prospective candidates, because neither the committee nor any convention held by its authority, possessed any right to nominate candidates for the Senate. Nevertheless, it was debated at some length. At the close of the meeting a multitude of Mr. Chaffee's admirers marched to the Manitou House, where he was quartered, and serenaded him. His appearance in response to calls was greeted with enthusiastic cheering. He spoke briefly according to his habit, confining his remarks to the duties devolving upon the party at this critical period in its history, counseling harmony and energized unity of action in preparing for the approaching canvass.

On the 23d of August the delegates met in Pueblo, and organized by the election of Alvin Marsh of Gilpin, permanent chairman; M. H. Fitch of Pueblo, Louis Dugal of Denver, and Victor Garcia of Conejos, Vice-Presidents; W. B. Felton of Saguache, Secretary; J. A. Wilmoughby of Summit, and A. E. Gipson of Weld, Assistant Secretaries. The prominent candidates for Governor were Samuel H. Elbert, John



Abner Marsh

L. Routt, Lafayette Head and George M. Chilcott. The following nominations were made:

For Representative in Congress.—James B. Belford of Gilpin.

For Governor.—John L. Routt of Arapahoe.

For Lieutenant-Governor.—Lafayette Head of Conejos.

For Secretary of State.—William M. Clark of Clear Creek.

For Auditor of State.—David C. Crawford of El Paso.

For Treasurer of State.—George C. Corning of Boulder.

For Attorney General.—A. J. Sampson of Fremont.

For Superintendent of Public Instruction.—Joseph C. Shattuck of Weld.

For Justices of the Supreme Court.—Henry C. Thatcher of Pueblo, Ebenezer T. Wells of Arapahoe, and Samuel H. Elbert of Arapahoe.

District Judges and Prosecuting Attorneys—

First District.—William E. Beck of Boulder. Attorney, Edward O. Wolcott of Clear Creek.

Second District.—Victor A. Elliott of Arapahoe. Attorney, David B. Graham of Arapahoe.

Third District.—James Martin of Las Animas. Attorney, Webster Ballinger of Park.

Fourth District.—Thomas M. Bowen of Rio Grande. Attorney, C. W. Burris of San Juan.

Chairman of the State Central Committee.—Joseph C. Wilson of El Paso.

It was the general desire of the delegates to place the name of Moses Hallett at the head of the nominations for the Supreme bench, as a mark of distinction due to his long service as Chief-Justice of the Supreme court of the Territory, and his eminence as a jurist, but when the name was brought forward, Mr. W. B. Felton arose and announced that Judge Hallett would in all probability be named by the President as Judge of the United States District Court for Colorado, a position which, if tendered, would be accepted.

The ticket was well received by the Republican masses. Routt

for Governor, proved a happy selection. While lacking the finish of scholarship, he possessed the qualities of sound common sense, sterling honesty, and the kind of executive ability that was needed in the primary stages of the new State; practical knowledge of the public needs, and the will to meet them. During his short administration of Territorial affairs he had advanced no personal schemes, engaged in no intrigues, but addressed himself conscientiously to the repression of strife and the unification of all elements for the general good. He was industrious and faithful to every trust. He had, moreover, been zealous and potential in advancing the passage of the Enabling act, and afterward in promoting concord.

Mr. Belford had served on the Territorial bench with marked distinction, having been appointed by the President in 1869, and reappointed in 1873. He was a speaker of great power and eloquence, a fine campaigner, and popular with the people. The campaign opened in Denver on the night of the 26th of August, Belford being the orator of the occasion.

The Democratic State Convention was held at Manitou on the 29th of August, and was called to order by George W. Miller, chairman of the State Central Committee (now in his second term as Judge of the County Court, Arapahoe County). The meeting assembled in the dining room of the Manitou House. M. B. Gerry was chosen temporary chairman, and was succeeded by Judge Harley B. Morse of Gilpin, Alva Adams of Del Norte acting as Secretary. Gen. Bela M. Hughes and William A. H. Loveland were the candidates for Governor. Gen. Hughes was nominated by acclamation, Loveland having withdrawn in deference to the popular desire.

The following nominations were then made:

For Representative in Congress.—Thos. M. Patterson of Arapahoe.

For Lieutenant-Governor.—Michael Beshoar of Las Animas.

For Secretary of State.—Capt. James T. Smith of Jefferson.

For Auditor of State.—James F. Benedict of Weld.

For Treasurer of State.—Thomas M. Field of Pueblo.



Geo. W. Miller

For Attorney General.—George Q. Richmond of Pueblo.

For Superintendent of Public Instruction.—J. P. Groesbeck.

For Justices of the Supreme Court.—Wilbur F. Stone of Pueblo, E. Wakely of San Juan, George W. Miller of Arapahoe.

District Judges and Prosecuting Attorneys—

First District.—R. S. Morrison of Clear Creek. Attorney, Platt Rogers of Boulder.

Second District.—Henry A. Clough of Arapahoe. Attorney, Samuel P. Rose of Arapahoe.

Third District.—J. W. Henry of Pueblo. Attorney, John M. Waldron of Huerfano.

Fourth District.—Adair Wilson of Rio Grande. Attorney, A. T. Gunnell of Hinsdale.

Chairman of the State Central Committee.—Hon. Hugh Butler of Arapahoe.

Mr. Patterson, though scarcely more than three years a resident of the Territory, had become the recognized leader of his party, eminently fitted by reason of his somewhat remarkable talent for stump speaking, to contest the field against his accomplished adversary Belford, and he was much the better manager. Gen. Hughes was universally respected for his fine abilities, his prestige as a lawyer, his stainless character, and the part he had taken in public events from the beginning of the Territory down through its history. Both parties had put some of their strongest men to the front, and each exerted its mightiest influence to elect them. Routt made no speeches, but directed his canvass so as to reach and talk with the masses in an everyday fashion. Hughes, being a superior debater, took the platform.

The Republicans were effectively aided in this canvass by Mr. Willard Teller, one of the foremost lawyers and debaters, a man who is capable of presenting with clear cut analysis the issues before the people, possessing extensive knowledge of political history and always effective in argument, whether on the stump or in the halls of justice. His dis-

tinguished brother, Henry M. Teller, entered the campaign after his return from the East about the middle of September.

The chief interest centered in the nominees for Congress, for Governor and members of the legislature, the latter receiving special attention, in view of the election of United States Senators. In the election which took place on the 3d of October, the entire Republican State ticket was chosen, together with a large majority in each branch of the General Assembly. As upon the contest for representative in Congress hinged some of the most stirring events of that period, it is proper to give it such attention as may be essential to an intelligent understanding of its nature, and with the further purpose of clearing away, some at least, of the asperities which from that time to the present have attended the acts of the contestants in that striking drama. Those who were here at the time will recall the bitter attacks made by the press, each upon the representatives of the opposite party for the positions then taken. Having had some part in the discussion of those matters from 1876 to 1880, and having since in my present calling of historian taken the pains to search the records and reach the facts, I am now impelled to submit them without the slightest coloring of partisan prejudice, fairly and impartially, according to the result of a careful and deliberate investigation. The conclusions reached may not be in exact accord with those of my political friends, formed in the heat and excitement of the stormy days of 1876, but they *are* in accord with the record, which is very full and complete.

On the 31st day of August, in the year named above, the acting Secretary of State, Mr. John Taffe, issued a notice to each county sheriff in the State, that the first general election for officers under the constitution would be held October 3d. The sheriffs, in their turn caused like notices to be sent to the several voting precincts. The Secretary in his proclamation enumerated the various offices that were to be filled, among the rest, "one representative for the unexpired term of the Forty-Fourth Congress of the United States." The reader is

requested to note the quotation, in order that he may the better comprehend its bearing upon the final result.

Again, on the 14th of September following, to give due and timely notice of further proceedings, the Secretary published the following, likewise addressed to the several sheriffs:

"You are hereby notified, that in accordance with the provisions of Section 25 of the Revised Statutes of the United States, an election will be held on Tuesday, the 7th day of November, A. D. 1876, in the several precincts of your county, as provided by law, at which time there will be elected a representative from the State at large for the Forty-Fifth Congress of the United States," etc., etc., and directing them to cause proclamation to be made of the same in all the voting precincts of their respective counties. Obedient to such notification, public proclamations were issued, and arrangements made for an election as before.

During the canvass for the general ticket, much was said on both sides relative to the October election being decisive for both the unexpired term of the Forty-Fourth and the full term of the Forty-Fifth Congresses, and there were many in both parties who understood this to be the intention. Mr. Patterson, however, did not so understand it, as was evidenced by his speeches, for in a great many, if not in all the places at which he addressed the people, he took especial pains to announce that the nominations for representative had been made under the published call of the Secretary of State, only for the unexpired term, and that a subsequent election was to be held for the Forty-Fifth on the 7th day of November. But as the campaign proceeded, the Republican Central Committee, after giving due consideration, as they supposed to the laws governing the case, decided to print Mr. Belford's name upon their tickets for both Congresses, in the belief that the Constitutional Convention, acting by the authority of the Enabling act, gave them the right to do so. A short time prior to the election, a week or two perhaps, this intention was made known to Mr. Hugh Butler, Chairman of the Democratic Committee, who held differing views, but in order that the candidates of his party might have an equal advantage, in other words

that they might suffer no disadvantage in the official count, proceeded to have Mr. Patterson's name printed on the Democratic tickets in the same form, that is to say, for both Congresses, yet in no wise yielding the right to enter upon another campaign in November. Mr. Patterson being absent in the mountains in a distant part of the State, and not consulted, he knew nothing of the movement. But on the 7th of September he had written Mr. Butler from Pueblo, saying, "The proclamation to the sheriffs of the different counties only calls for the election of one representative for the unexpired term of the Forty-Fourth Congress. It does not mention the representative for the Forty-Fifth Congress. This I think is right. I have always thought that the member for the Forty-Fifth Congress must be elected in November. Will you see to it that it is understood that only the member to the Forty-Fourth is to be elected in October?" There is abundant evidence of record to show that Mr. Patterson made this declaration at nearly every place at which he spoke. Mr. R. S. Allen, editor of a Republican paper at Fairplay, in Park County, testified that as late as September 19th, Mr. Patterson being then at that place, caused Democratic tickets which bore his name for both terms to be destroyed, and had new ones printed with his name on but for one term,—the Forty-Fourth Congress—and that these tickets were used in the county of Lake. Nevertheless, Belford's name went to the electors for both Congresses, on the 3d of October, and Patterson's to most of the counties in the same form, but without his knowledge or consent.

The official canvass of the votes cast at the October election gave the following result as proclaimed by the State board :

For the Forty-Fourth Congress Mr. Belford received 13,302 votes.

For the Forty-Fourth Congress Mr. Patterson received 12,865 votes.

For the Forty-Fifth Congress Mr. Belford received 13,532 votes.

For the Forty-Fifth Congress Mr. Patterson received 12,544 votes.

But Mr. Patterson then and subsequently declared and established that, owing to the precautions taken by him not to have his name appear upon the Democratic tickets for more than one term, the vote

as canvassed by the State board for the Forty-Fifth was erroneously enlarged through a mistake in compiling the returns from Las Animas County, where, by the testimony of the County Clerk it was shown that his (Patterson's) vote for the Forty-fifth Congress fell short of that received for the Forty-fourth Congress, by 1,219 votes. This we shall not discuss, however, since he was beaten for both by Mr. Belford, who had a majority of 437 for the Forty-Fourth and of 988 for the Forty-Fifth.

Next came the struggle for the November election, for which both parties made the usual preparations. The proclamation of the Secretary of State still remained in the newspapers, whereby all the counties were duly and legally notified that an election was to be held on the 7th of November.

Chairman Wilson of the Republican committee, a week after the election of October 3d, issued an address to the members of his party tendering earnest congratulations upon the sweeping victory they had gained, commending them for the zeal they had displayed, and stating in effect that, as the Democracy were unwilling to accept the result of the October contest as decisive for both terms, and were resolved to go into another in November, the Republicans "must be active and go to work at once, the first step being to look after the registration," etc. He urged the county committees to give this matter immediate attention. This letter was dated October 10th, 1876, from the headquarters of the Republican Central Committee, and is referred to here as a sort of prelude to subsequent events. Thus it will be seen that the Secretary of State had ordered an election for November 7th, the sheriffs had repeated the order to every precinct in the State, and Mr. Wilson had directed the county committees to prepare for an election at that time.

On or about the 13th of October, before the official canvass of the October election had been made, some of the leading Republicans, Mr. Chaffee, Governor Routt and others held a conference in Denver, and after considering the law in the case, and obtaining interpretations of the

same by several noted lawyers, decided that there was no authority for an election in November; that Section 6 of the Enabling act clearly granted power to the Constitutional Convention to fix the date of elections for representative in Congress until the next general census in 1880; that Section 25 of the Revised Statutes of the United States, which provided that elections for representative must be held on the first Tuesday after the first Monday in November, and the amendatory act of 1875 had been virtually repealed, so far as Colorado was concerned, by the terms of the Enabling act, therefore Mr. Belford's name should be withdrawn. It was withdrawn on the 14th. These opinions having been brought to the attention of the Secretary of State, he accepted the same and revoked his proclamation on the same day,—the 14th.

Thereupon Chairman Wilson issued another circular letter to his party, which, after reciting the fact that Patterson and Belford were supported for both terms, and the votes so cast had been certified to the Board of Canvassers, and certificates of election pursuant to the vote so cast would be accorded to the gentleman who had received a majority of all the votes, therefore, in view of the reasons stated, and others that might be enumerated, it had been determined by the Republican State Central Committee to decline any and all participation in the election called for the 7th of November, 1876. "And as we are authorized to announce that Judge Belford declines to have his name presented again for the suffrages of the people at this proposed election, we recommend to the Republicans throughout the State to take no part therein whatever."

Right there was where the Republican committee and its advisers made a fatal mistake, as will appear in the sequel, though it was perhaps a perfectly natural error, as the question involved was one that not even the wisest statesmen could wholly settle after days and weeks of argument, and which to this day remains in doubt. It gave rise to legal problems which only the great learning and impartial judgment of the higher courts of the land were competent to unravel in strict justice. Belford wrote Geo. W. McCrary, and to Senator Edmunds for their

opinions, and received for answer that if the election for the Forty-Fifth Congress in October was not legal, there was no authority of law for the November vote.

Patterson entered the second campaign without a contestant. The proclamation having been revoked, there appeared to be no machinery for casting and counting the vote. In some of the counties the polls were not opened at all; in others only in certain precincts. The Republicans generally abstained from voting; therefore, when the ballots were gathered and certified to by precinct officers, it was found that less than four thousand persons had cast their ballots. Abstracts of such votes were made up and sent to the Governor, but the State Board, believing there was no warrant of law for the election, refused to make a canvass of them.

As to the election of Mr. Belford to the Forty-Fourth Congress, there was no dispute. Taking his credentials from the Executive he went down to Washington at the beginning of the December session and claimed his seat. Unfortunately for him, the country happened to go Democratic that year. At that time, as will be remembered, all the political elements were in an unprecedented state of feverish excitement over the greatest presidential contest that has ever occurred in this country, and both parties were figuring for every inch of vantage ground that could be gained prior to the canvass of the electoral vote by Congress in joint convention. Hence, when the question of seating Mr. Belford came up, it seemed probable that the Democratic majority in the House would deny the legality of the admission of Colorado under the President's proclamation, notwithstanding the fact that our Senators elect had been accepted and seated without question.

At a caucus of the Republicans on the 4th of December, it was decided to cast the vote of that party for James A. Garfield for Speaker, and to insist upon the recognition of Colorado as a State. The case was given into the hands of General Banks as manager. When the roll was called, and Colorado reached, Banks rose to a "question of privilege" and presented Belford's credentials as a representative elect

from the State of Colorado. The clerk who presided, gave precedence to a motion by Mr. Holman to proceed to the election of a speaker; a member of the majority proposed that the matter of Belford's right to a seat, be referred to the Judiciary Committee when appointed, to decide whether or not Colorado had been legally admitted as a State, and it was so referred. This was undoubtedly a grievous wrong which should never have been permitted to stain the congressional records, nevertheless it was committed, but not without vehement protest.

The matter was retained in committee until December 12th, when, by a vote of seven to three, the committee resolved to admit Mr. Belford as the member elect from Colorado, but the report was not submitted to the House until after the holidays. On the 3d of January a majority and a minority report were brought in. The latter, presented by Mr. Hurd, maintained that the admission of Colorado as a State was a legislative act, and Congress could not delegate to any other department authority to make the declaration that a State had been admitted to the Union. It treated the President's proclamation as of no value whatever, because the law under which he issued it was inoperative. The minority held that no State could be admitted,—despite the fact that Michigan, Missouri, Iowa, Nevada and others had been received under precisely similar conditions as governed in the Colorado case,—until its constitution had been presented to and approved by Congress, and it was asserted that this view had the support of some of the ablest lawyers on the committee. The report concluded as follows:

“This minority believing that Colorado has not yet been admitted as a State, and desiring to expedite the people of that Territory in their efforts to obtain such admission, recommend the adoption of an act as follows:

“Be it enacted, etc., That the constitution and government which the people of Colorado have formed for themselves, be, and the same is hereby accepted, ratified and confirmed, and that the State of Colorado shall be, and is hereby declared to be, one of the United States of America, and is hereby admitted into the Union upon an equal footing with the original States, in all respects whatsoever.”

The intent of this proposed action was manifest,—to secure delay until after the counting of the electoral vote, since, if the admission were to be acknowledged and perfected, the electoral vote of the new State would have to be counted, thereby carrying the majority to Mr. Hayes and against Mr. Tilden, as in the final count the majority was reduced to one.

Proctor Knott of Kentucky presented the majority report, with a resolution declaring Colorado to be a State, and that its duly elected representative, James B. Belford, should be admitted to a seat. After considering the provisions of the act which authorized the people to form a State government, the committee entered upon an elaborate review of the objections presented by the minority. They declared that the provisions of the Enabling act which empowered the President to declare the State admitted to the Union upon certain things having been made known to him, was in no sense a delegation to him of the will of Congress that Colorado should be admitted upon the happening of a certain series of events. That will Congress expressed for itself in the act. Nor was it a delegation of any authority to him to judge of the expediency or in expediency of the act taking effect upon the performance of certain conditions. That judgment Congress formed and expressed for itself when it presented the conditions. It simply empowered him to declare the legal result of a complete performance of all the conditions presented in the act, on the part of the people of Colorado, namely: The completion of the compact between the United States and the people of Colorado that the latter should constitute a State in the Union.

“Believing that they have discharged these obligations, and that every condition upon which Colorado was to be admitted into the Union has been complied with, the committee recommend the adoption of a resolution that Colorado is a State in the Union, and that James B. Belford, representative elect from that State, be sworn and admitted to his seat as such.”

CHAPTER XVI.

BELFORD SWORN AND SEATED—THE STRUGGLE FOR THE FORTY-FIFTH CONGRESS—REVIEW OF THE GREAT CONTEST IN THE HOUSE—A LONG AND REMARKABLE DISCUSSION—PATTERSON SEATED—EVENTS SUCCEEDING THE RATIFICATION OF THE CONSTITUTION—MEETING OF THE FIRST STATE LEGISLATURE—FINANCIAL CONDITION OF THE NEW STATE—ELECTION OF U. S. SENATORS—SHORT BIOGRAPHIES OF CHAFFEE AND TELLER—ELECTION OF PRESIDENTIAL ELECTORS—FIRST FEDERAL APPOINTEES—HALLETT, DECKER AND CAMPBELL.

After a lengthy debate both reports were recommitted to the Judiciary Committee. Finally, on the last day of January, 1877, after two months of anxious expectancy, the majority report was taken up, adopted, and Belford sworn and seated, to serve until March 3d, or a little more than thirty days. It was not done, however, until after the passage of the Compromise Electoral Commission bill. In the interim it had been widely reported and believed that Mr. Patterson had opposed both the admission of the State and the seating of Judge Belford, but I can discover no justification for such rumors. On the contrary, Mr. Patterson informs me that he at no time, neither in Colorado nor in Washington, threw the slightest doubt or obstacle in his way, but at the very beginning of the session in December urged Belford's right to the unexpired term with the Democrats in the House. Mr. Lapham of New York, a Republican, in a speech delivered in the Forty-Fifth Congress, stated very emphatically that Patterson persistently urged and insisted that the State had been duly admitted, that Belford was lawfully elected, and it was a grievous wrong not to admit him.

Reverting for a moment to the October campaign, it was then also widely reported that an agreement had been entered into between



Very truly Yours
James B Belford

Patterson and Belford, whereby it was arranged that the successful candidate in October should have no competitor for the Forty-Fifth Congress,—in brief, that the first election should decide for both. The basis for the belief, and the only one, was an interview between Mr. Chaffee and Mr. Patterson, at the Teller House in Central City. I was made acquainted with the substance of the conversation there had, by Mr. Chaffee himself, immediately after it occurred. I did not then understand that Patterson had actually agreed to abide by the result in October, but that there had been some talk about it. Patterson was thoroughly imbued with the conviction that he would be elected in October. When before the Committee on Elections in Washington, Belford, in answer to the question whether he had entered into an agreement with Mr. Patterson, whereby the October election was to be considered as decisive for both Congresses, replied, "No, I never did." Rumors of such an understanding ran all through the campaign of 1876, and the succeeding one of 1878, and Patterson was severely censured by Republicans for alleged violation of the compact. In August, 1878, Mr. Chaffee, writing from Saratoga, New York, on the subject, stated that he had never said that the conversation between himself and Mr. Patterson "was an agreement, or in the nature of an agreement." He then recites the substance of the conversation heretofore referred to, and from diverse reports of which the public came to believe there had been an arrangement of some kind in the nature of a compact, in which it appears that Patterson expressed the greatest confidence in his election in October, and that Mr. Chaffee declared he would be beaten. There was some talk about betting. Then Mr. Patterson said (we quote from Mr. Chaffee), "If I am beaten in October, I will not run in November, but will quit politics, and thereafter confine myself to the practice of law."

But whether this may be termed an agreement or not, or whether it was observed or otherwise, has very little to do with the main question. The fact remains that both parties prepared for an election in November, and it was not until the 14th of October that the Republican chiefs,

having, as they believed, rightly construed the law to mean that the October election for both terms was legal, and that all future elections until 1880 must be held in the same month, that the proclamation was withdrawn, and with it Mr. Belford's candidacy.

Both candidates went to Washington claiming a seat in the Forty-Fifth Congress, Belford bearing a certificate from the Governor, Patterson without further claim than an abstract of the votes taken in November, and a considerable mass of testimony which he had taken in Denver and at other points in the State. For the remainder of the case we have resorted to and sedulously examined the Congressional Record, from which the facts subjoined have been collated.

The first session of the Forty-Fifth Congress assembled October 15th, 1877. The clerk of the House presided and called the roll. On reaching Colorado, he made a statement of the reasons which impelled him not to place the name of either claimant from Colorado upon the roll. He had received a credential signed by the Governor of the State, with the seal attached, declaring the election of James B. Belford on the 3d day of October, 1876. The law of Congress required him to place upon the roll the names of those representatives, and those only, whose credentials showed that they were elected in accordance with the laws of their States respectively, or the laws of the United States. He did not think there was any law in existence, either in the State of Colorado, or any law of the United States, which authorized the election of a representative to the Forty-Fifth Congress for Colorado on the 3d of October, 1876. This being the case, and the certificate which Mr. Belford brought showing on its face that he was elected at a time unauthorized by either the laws of the United States or of his State, he (the clerk) could see no way in which he could place Mr. Belford's name on the roll.

In addition, Mr. Patterson had sent in a written protest, claiming that he was the representative elect from Colorado, with a certified copy of an abstract of the votes cast in each county in November, but it was made clear that these votes were never canvassed by any board of can-

vassers, and that no certificate was ever issued to any one declaring the result of said election. Therefore, he could not place Patterson's name on the roll. The upshot of the business was, that the clerk submitted the entire case to the judgment of the House, when it should be organized.

This brought Mr. Hale of Maine, who had become Mr. Belford's champion, to his feet with a resolution to have the name of Belford placed on the roll as the duly elected representative from Colorado. It was promptly ruled out of order, because Mr. Wood of New York had moved the previous question on a motion to proceed to the election of a speaker. A short time afterward Mr. Samuel J. Randall was elected. In drawing for seats, one was assigned to Colorado to be occupied by the representative who should be declared entitled to it.

The case then went over until the 16th, when Mr. Hale called up his resolution and addressed the House at length on the subject of Belford's *prima facie* right to the seat. In regard to the claim that the law of Congress fixed a certain day in November for the election of representatives to Congress, he argued that Ohio, Maine, and other States had chosen members to this Congress in October, but forgot to mention that these States were expressly excepted by the amendatory act of 1875. He claimed that the Enabling act of March 3d, 1875, provided for the full and complete organization of the new State, and for its proper representation in Congress; that it clothed the Constitutional Convention with power to fix the times for the early elections, and it had provided for them in these terms: "The general election shall be held on the first Tuesday of October, in the years of our Lord 1876, 1877, 1878 and annually thereafter, on such days as may be prescribed by law." There was no time for an election for member of Congress to be provided by any other body, since no legislature had then been elected to take this subject in hand and fix a day. He then entered upon a general resume of the election and the circumstances attending the result. It may be interpolated here, that none of Mr. Hale's speeches contributed to aid Mr. Belford's cause, for they were severely partisan, hot tempered and ill considered.

Mr. Harris of Virginia offered a resolution to consign "all the papers in the case, to the Committee on Elections when it should be appointed, with instructions to report either as to the *prima facie* right or final right, of said claimants, as the committee shall deem proper, and that neither claimant be sworn in until said committee reports."

Mr. Patterson's protest and memorial were then read, the latter in the form of a printed brief, reciting all the principal incidents relating to the election which have already been epitomized; Belford also furnished a brief. A part, and rather an important part too, of the testimony taken by Patterson in his contest, was a statement by Governor Routt, who testified that "in his judgment Belford had not been legally elected as a representative to the Forty-Fifth Congress."

Few examples of contested elections have ever received from Congress, no matter which party was in the ascendancy, the care, attention and candid discussion that were given to the one under consideration. For days together the entire time of the House was given up to debating the legal points involved. In reading the record I was amazed at the earnestness and time expended upon them. Even a rapid digest of the different arguments would fill many chapters of this volume. Entertaining the partisan view of the matter which all the members of the party, to which I was then, and am still attached, held, until I had made an exhaustive examination of the complete record for the purpose of attaining historical truth, I was disposed to share the common opinion of Republicans that Mr. Patterson had acted in bad faith toward his adversary, and had been seated in the Forty-Fifth Congress solely because of his connection with the majority in that body and regardless of the legal rights. Hence, I am impelled to give the subject much more extended attention than the casual reader, who neither took part in, nor cares for the facts in this famous contest, may deem appropriate or necessary.

After the debate had proceeded to sufficient length to evoke the salient points of the vexatious problem, Mr. Conger of Michigan made this observation: "Mr. Speaker, whoever writes the history of the

struggle of Colorado for admission as one of the States of the Union, will give a history of more varied and changeable views of the same party to suit different occasions than, I think, were ever presented in any other subject upon which the historian has ever expended labor." The record shows it. It is so interwoven with doubts and conflicting opinions, and it is so extremely difficult to analyze and unravel the complications of the various questions almost inextricably thrown about it, as to open the widest latitude for the expression of views, without equal opportunity for discovering which was rightly entitled to the verdict.

Stripped of technicalities, personalities and partisan bias, the whole question hinged upon whether Congress endowed the Constitutional Convention with authority to fix the date of any but the first election for representative, in other words, for any but the unexpired term of the Forty-Fourth Congress. The law of 1872, Section 25 of the Revised Statutes, provided that in order to secure uniformity of dates for the election of representatives, the first Tuesday after the first Monday in November should be the day. On the 3d of March this act was so amended as to except the States whose constitutions required amending in order to bring them into conformity with the law, as Maine, Ohio, Indiana and others whose elections occurred in October. It was claimed by Mr. Chaffee, and by many able lawyers whom he consulted, that the Enabling act made an exception of Colorado also, because it was passed subsequent to the act of 1872 and the amendatory act, therefore repealed or suspended said acts for the time being. But an examination of the House Journal shows that while both the Enabling act and the amendment of March 3d, 1875, were passed at about the same time in the closing hours of the Forty-Third Congress, the passage of the amendment and its approval succeeded and did not antedate the adoption and approval of the Enabling act, hence the latter could not have repealed nor suspended the operation of the amendment in favor of Colorado, and this, I think, was where the original mistake occurred with Mr. Chaffee and his advisers in October, 1876.

In all the vast amount of matter contained in these debates, extending through weeks of time, there is no manifestation except perhaps in the remarks of Mr. Hale, of any other desire than to reach the exact lawful status. It was conceded on all sides to be one of the most perplexing cases ever brought into the House. The speakers of both parties directed their efforts to its elucidation as a matter of deeper import than mere partisan considerations. No man can read these discussions without being impressed with their sincerity, nor without discovering the complexity of the legal questions. While there were many precedents of one kind and another, not one of them seemed to fit this particular phase.

At the outset the Democrats were by no means anxious to seat Mr. Patterson. They had a good working majority without him. Their feeling toward him at the beginning was hostile. They remembered him with sentiments amounting to hatred, for had he not persuaded several Democrats to vote for the Enabling act, upon the pledge that Colorado would come in as a Democratic State, and cast her electoral vote for Samuel J. Tilden, and had he not only disappointed them in this, but caused the defeat of their greatest leader since Andrew Jackson's time?

Returning to the original proposition, perhaps the clearest and best review of the case was given by Gen. Buckner of Kentucky, who said that the only question before the House was whether or not the certificate of the Governor of Colorado, showing upon its face that the election was held on a day unauthorized by law, entitled the holder of such a credential to a *prima facie* right to a seat. He held that the Governor might have avoided all this difficulty by merely stating that Mr. Belford had been duly elected according to the laws of Colorado, for, "I undertake to say, and no one will doubt that if such had been the form of the certificate, Mr. Belford would, unquestionably, have had the *prima facie* right to a seat here. But the governor does not give such a certificate. He undertakes not merely to give his conclusions of law upon the facts, but he states a fact, which, according to my construction of the law,

proves that the election was invalid ; that there was no authority of law for holding the election on the day upon which he says Belford was elected. This brings us to the only question really before the House ; and this question is not to be decided upon what the Constitutional Convention did upon its view of the law, but it is for each member of the House upon an examination of the authority under which the Convention acted, to determine the question for himself. The rights of Mr. Patterson to a seat here are not involved in this discussion. The question whether the Governor or the State authorities issued the proclamation required by law, is not before the House. Nor is there before the House the question whether Mr. Patterson or Mr. Belford received the largest vote at the election in October or November, or what proportion of votes they received, or whether any particular county did or did not vote at the November' election." The whole question he declared to be one of law, and the only law under which the people of Colorado had a right to act after the first election, was the law of Congress of 1872, and the amendatory act of 1875, providing a day for the election of all representatives to Congress in November.

Mr. Southard said, speaking of the claim that the Enabling act repealed the statute of 1875 or 1872, so far as Colorado was concerned, the act of 1875 exempting certain States whose constitutions had to be amended, was passed subsequent to the Colorado Enabling act, and therefore must be taken as the latest expression of the legislative will. But putting this fact aside as of no material value to the issue, he assumed that Section 25 of the Revised Statutes had no relation to the case of Colorado or to any other new State in the act of forming a constitution. That section had only to do with States then actually existing, certainly not with Colorado, which was then a Territory. The bill for an Enabling act was not introduced until a year afterward, hence it could not by any stretch of imagination be assumed to come within the clause of 1875 excepting any State "that has not yet changed its day of election and whose constitution must be amended to effect a change in

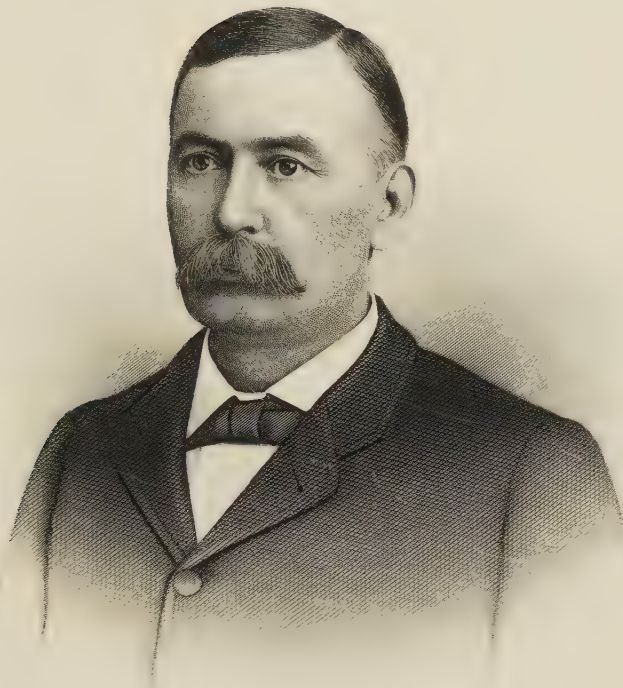
the day of election of State officers," etc. So the amendment had no relation to the question of the election in Colorado.

Several members admitted that if the certificate issued to Belford by the Governor had simply recited that at an election duly and regularly held under the laws of Colorado he had been elected, it would have constituted a *prima facie* case. But it was the legality of the day which had been named therein that was in dispute, and which made it necessary to investigate and see whether or not that was the legal day. Grave doubts arose in all minds on this point, hence the importance of deliberate examination.

Now much of the talk about what the certificate should or might have expressed, was absurd. A certificate which simply stated that at an election regularly held Mr. Belford or Mr. Patterson was duly elected, without giving any date at all, would be an anomaly in public documents of that nature. The Executive might just as well have omitted the seal or his signature. While I have no authority at hand to substantiate the assertion, there is no doubt whatever in my mind that no document claiming to be a certificate of election in which the date of the election was left out, was ever presented to Congress and accepted as a valid instrument.

However, the papers went to the Committee on Elections, before whom Patterson and Belford appeared by invitation, and made exhaustive argument, each in his own behalf. In the course of proceedings before the committee the following stipulation in writing was presented:

It is hereby mutually agreed and stipulated between Thomas M. Patterson on the one part, and James B. Belford on the other, that if laws were in force, and by virtue of which an election might have been legally held in the State of Colorado, upon the 7th day of November A. D. 1876, for representative to the Forty-Fifth Congress from said State, the following number of votes were legally cast by qualified electors at an election held in said State upon the said 7th day of November, A. D. 1876, for said representative to the Forty-Fifth Congress, and which votes were divided among the persons respectively voted for upon said day for said office, as follows:



T. M. Patterson

Whole number of votes cast for representative to the Forty-Fifth Congress, 3,829, of which Thomas M. Patterson received 3,580; James B. Belford, 172; scattering, 77.

[Signed]

JAMES B. BELFORD,

THOMAS M. PATTERSON.

Setting all other issues aside, the reader will observe that Mr. Belford stipulated away his entire case in the foregoing instrument, and having signed it there was nothing to do but abandon the contest and come home. Still, it was not considered as a matter of much importance by the committee, nor by the House. On the 22d of November, it was brought somewhat sharply before the whole body on a resolution by Mr. Hale, who had grown impatient of the delay, that the Committee on Elections be discharged from further consideration of the contested election case of Belford vs. Patterson. It had been twenty-seven days in their hands, still no report had been rendered, and he proposed to have it brought back to the House for determination in open session.

Mr. Harris of Virginia had been made chairman of the committee. He explained that the Colorado case was an extremely difficult one to decide, that it embraced two hundred and seventy-two pages of printed matter as prepared by the contestant, contestee and the clerk. It had been sent to the printer October 31st, but was not returned until November 12th, when the committee met and invited both parties to come and be heard. They came and discussed the question for two or three days. After this the committee took up all the points involved with the view of reaching, if possible, a unanimous decision, but they were divided, "not upon party lines, but upon other questions, and some of the members of the committee were not prepared to give any opinion at all."

The venerable Mr. Wait of Connecticut, a member of the committee, of whom Mr. Conger said, "No truer or honester man ever lived," and whose remarks were listened to with profound attention by all parties, said, "There was but one feeling on the part of the entire committee, and that was to agree if possible, upon a unanimous report; but while two or three of us had decided pretty definitely in regard to

the merits of the case, and were prepared to say what our action would be, other gentlemen said that there were novel and important questions of law arising in the case to which they wanted to give careful examination. A great many authorities had been read, embracing decisions of courts and opinions of elementary writers, in connection with arguments made on one side and the other. From the beginning to the end, I have never seen on the part of any gentleman on the committee any action, or heard any expression, indicating a desire on his part that this question should not be fairly presented to the House by a full, well-considered report, at the very earliest time that we could agree what our action should be. The difficulty has been for the committee to arrive at a unanimous decision. Some gentlemen were in favor of seating one contestant, others of seating the other party, while others were in favor of referring the case back to the people of Colorado for another election." He, himself, favored the seating of Belford, but he wanted to have all the questions of law fully and fairly determined. The contestants had been before the committee almost every day, but neither had ever complained of the action taken.

Mr. Cox of Ohio, a Republican member of the committee, said, "It would be impossible for any body of gentlemen under the same circumstances to show more completely a non-partisan spirit than had been done. I do not mean that we may not all have prejudices growing out of party associations and sympathies; but I unqualifiedly assert that if they exist they have not shown themselves in the action or bearing of the members. It was agreed from the first to push the case as rapidly as possible. It was also agreed with great freedom from anything like partisan spirit, that the committee should, as nearly as possible, take upon itself both the feelings and duties of a court of justice."

Mr. Clarkson Potter of New York, another member, said, "This Colorado case presents a difficult question of law, for the *prima facie* question in the case is all there is of it, and it is a very difficult question of law. I have read the brief on one side, and Senator Edmunds' letter and the brief on the other side, and I made up my mind both

ways, according to the side I read last. If I ever met a law question of the kind that wanted consideration, that required advisement, it is the question in this case."

Mr. James A. Garfield made a lengthy argument, in which he assumed from the consideration he had been able to give it, that Belford had been legally elected. "But," said he, with characteristic candor, "I am bound to say that I have never considered this case as free from doubt as to the right of Belford to a seat. There are points in it which have troubled and perplexed me. The principles involved are of the very highest importance to the people of this country, and they invoke the earnest attention and honest judgment of the members of this House." While he admitted that men might honestly differ as to the technical right of Mr. Belford to a seat, he would regard the seating of Mr. Patterson as "a palpable and open violation of every principle of law."

The venerable Alexander Stephens of Georgia, said in the course of his brief speech, that it had been clear to his mind from the first, that Belford, having the only credential, should have been seated on his *prima facie* right, and the case then sent to the Committee on Elections for investigation of the legal points. Thus we find the Democrats divided in opinion as to the matter of *prima facie* right.

But it is unnecessary to dwell at greater length upon the various opinions evoked in this remarkable controversy. Notwithstanding that every inch of ground had been traversed in all its bearings before the case went to the Committee on Elections, it was traversed again after the reading of Hale's resolution to discharge the committee. The ablest men in the House engaged in the discussion. On the 6th of December,—the matter having been debated for days together at different times all through October and November,—at the second session of the Forty-Fifth Congress, three reports were presented from the committee, who had been unable to arrive at a unanimous opinion. The majority offered with theirs the following resolution :

Resolved, That Thomas M. Patterson is entitled to a seat in this House as the representative in the Forty-Fifth Congress from the State of Colorado.

Mr. Wait, on behalf of the minority consisting of three members, presented the following :

Resolved, That Hon. James B. Belford is the duly elected representative in the Forty-Fifth Congress from the State of Colorado, and that he be sworn in as such representative.

Mr. Cox submitted a dissenting report, with this resolution :

Resolved, That no valid election has yet been held in Colorado for representative in the Forty-Fifth Congress.

All of which were ordered printed. On the 12th of December, Mr. Harris called up the case for the last time, when most of the day was consumed in debating the questions of law. All the members who desired, having ventilated their views, Harris moved the previous question, which was ordered. A vote was then taken on the minority report and it was rejected. The next was upon Cox's resolution remanding the case back to the people for a new election, and this also was rejected ; finally, upon the original resolution, which was adopted,—yeas 116, nays 110, not voting 65. Patterson was then sworn and seated (Dec. 13th, 1877), and thus terminated one of the most perplexing contests that had ever been before the Congress of the United States.

We cannot conclude that Mr. Patterson was seated by a strict party vote, for there were Democrats who voted nay, and Republicans who voted aye, and there were sixty-five members, some of whom were Republicans, who did not vote at all.

Again, we must conclude that had the other party been in the majority it would have seated Belford, thus determining that October 3d and not November 7th was the legal day for the election of representative in Colorado. How this could have been done in the face of the fact that the law of Congress of 1872 fixed the first Tuesday after the first Monday in November as the day on which all representatives must be elected ; that the amendatory act of March 3d, 1875, could not have applied to Colorado, inasmuch as it was expressly designed to exempt States already formed, and whose charters required amendment to

enable them to conform, and not to Territories, nor to States which had not yet formed constitutions, we leave to the lawyers who may read these pages. It seems to be quite clear that upon the question as presented the majority was right, and that, had the facts been submitted to the Supreme Court, it would have decided either that the election of Mr. Patterson was valid, or that, in view of the conditions under which the November election was held, there was no valid election at that time.

The original error and the primal cause of all the difficulty lay in a misguided interpretation of the powers conferred by the sixth section of the Enabling act, the revocation of the Secretary's proclamation, and in the withdrawal of the Republicans from participation in the November election. Notwithstanding the claim set up, that the laws of the Territory had been suspended by the incoming State, and that no State legislature had convened to provide laws and election machinery, if Belford and Patterson had made the canvass in November, in other words, if a full and free election had been held as in October, the returns would undoubtedly have been canvassed by the State Board, and a certificate given to the person who received a majority of the votes, and such certificate would undoubtedly have been received by Congress without question and the bearer duly seated.

Let us return now for a brief glance at events attending the adoption of the constitution, which have necessarily been passed over in pursuing the matter of Congressional representation. As the day approached for the vote to be taken upon the adoption or rejection of the provisions made for State government, the lack of hearty enthusiasm everywhere observable, gave rise, if not to forebodings of actual defeat, at least to serious apprehension of a very light vote. As much depended upon the majority obtained in Arapahoe County, and to arouse the masses to the necessity of polling the full strength of the qualified electors in favor of the charter, on the 30th of June, a mass meeting was held in Denver. The speakers were Governor Routt, Hon. G. G. Symes, H. P. Bennett, Judge Blackburn, Hon. W. B. Mills, W. S. Decker, Gen. Bela M. Hughes, Alfred Sayre, Gen. S. E. Browne, E. L.

Smith, A. P. Hereford and others. The meeting was arranged by Dr. R. G. Buckingham, as chairman of a special committee appointed for the purpose. All these gentlemen exhausted their powers of argument in favor of the constitution, and succeeded in stirring up a feeling of pronounced activity for the measure. Mayor Buckingham, as a further inducement, issued a proclamation, earnestly requesting the business men of the city to close their several places of business on July 1st, between the hours of one and four o'clock, that their employes might enjoy the privilege of casting their votes on this glorious occasion.

The election occurred on Saturday, and Sunday morning the public journals brought news of a very gratifying triumph. Nearly ten thousand votes were polled in Denver, and only two hundred and thirty-six were in opposition. Governor Routt telegraphed the glad tidings to the President. The same week the 4th of July was celebrated in grand style. A great procession formed, and the populace followed it to Denver Park, where a number of orations were delivered. During the exercises, the Governor received the following dispatch from our delegate in Congress, dated Washington, July 4th:

"Through you I greet the Centennial State,—the latest but the brightest star in the political firmament. I am proud of the consciousness of representing the grandest State, the bravest men, and the handsomest women on the continent.

THOS. M. PATTERSON."

From the Colorado department of the Centennial Exposition came the following inquiry:

TO GOVERNOR ROUTT:—"Are we a State?" Answer.

STEPHEN DECATUR.

"ANSWER. 'We are. The Centennial State, and twenty thousand here assembled, send joyful greetings to the sister States of the American Union, represented at Philadelphia on this ever glorious Fourth.'

JOHN L. ROUTT."

Celebrations were held at many other points, and congratulations exchanged upon the happy result of the popular will in the late election.

The result of the State campaign has been given elsewhere. Of the members of the General Assembly, the Republicans elected nineteen



W. D. Anthony,

Senators and the Democrats seven; of members of the House of Representatives, thirty-one were Republicans and eighteen Democrats. For the accommodation of this body the R. E. Whitsitt building, on Blake street, between Sixteenth and Seventeenth, was remodeled and fitted up. The first State legislature convened at noon of Wednesday, November 1, 1876. The Senate was called to order by Hon. H. P. Bennett of Arapahoe. Mr. T. O. Saunders of Boulder, was chosen to preside temporarily, and Wm. A. Hamill of Clear Creek, chosen Secretary *pro tempore*. The usual form of procedure was observed. The permanent organization was effected by the election of W. W. Webster of Summit as President *pro tempore*, and George T. Clark of Arapahoe, Secretary, A. W. Kellogg of Boulder, Assistant, H. Stratton of Larimer, Sergeant-at-Arms.

The House of Representatives was called to order by Hon. C. H. McIntyre of San Juan; David Ransom of Boulder, chosen Speaker *pro tem.*, P. E. Morehouse of Clear Creek, temporary clerk. The members of both houses were sworn by Judge A. W. Brazee.

The permanent organization was as follows:

Speaker.—Webster D. Anthony of Arapahoe.

Chief Clerk.—W. B. Felton of Saguache.

Assistant Clerk.—M. R. Moore of Rio Grande.

Sergeant-at-Arms.—James D. Wood of Gilpin.

On the second day of the session the vote for State officers was duly canvassed and the result declared. The first bill introduced (H. B. No. 1), provided for the selection of three Presidential electors by a joint convention of the Senate and House, on the 7th of November. It passed immediately and was approved by the Governor on the 3d. The Governor's message was brief but comprehensive. The financial condition of the new State was epitomized as follows:

LIABILITIES.

Warrants outstanding and unpaid.....	\$44,358.34
Other estimated liabilities.....	5,500.00
	<hr/>
	\$49,858.34

RESOURCES.

From taxes available January and July, 1877.....	\$65,000.00
From delinquent taxes former years.....	8,000.00
	<hr/>
	\$73,000.00
Deduct liabilities say, in round numbers.....	50,000.00
	<hr/>
Balance.....	\$23,000.00

A tax levy of three mills was deemed sufficient to meet all the expenses of the State for the ensuing term. His Excellency devoted special attention to educational matters, setting forth the status of the public schools ; counseled rigid economy in public expenditures so as to avoid burdening the people, and made some valuable recommendations respecting needed legislation for the several departments of industry. Almost immediately after the organization of the assembly, the contest for choice of United States Senators rapidly developed. The members from Pueblo and the southern tier of districts advanced the name of George M. Chilcott. A very large majority conceded Mr. Chaffee's right to an election, and it soon became a foregone conclusion that he would be chosen almost without division. El Paso urged W. S. Jackson, its most prominent citizen. Judge Moses Hallett had a number of strong advocates, but it soon became clearly apparent that Chaffee and Henry M. Teller would be elected. The Democrats in caucus resolved to support as their candidates, Hon. Wm. A. H. Loveland of Jefferson, and Hon. Thomas Macon of Fremont.

On the 7th, the two Houses convened in joint session and elected Herman Beckurts, Otto Mears, and Wm. L. Hadley as presidential electors. On the night of the 9th, the Republican caucus nominated by acclamation Jerome B. Chaffee for the United States Senate. In making the second selection some difficulty was experienced ; the South made a vehement demand for recognition, but the members were divided. Pueblo urged Chilcott, and El Paso insisted upon Jackson, and as a result no choice was made. On the 14th another caucus was held, and Henry M. Teller chosen, a large number of members from the South casting their ballots for him on the ground of his pre-eminent

fitness for the position. On the same date Chaffee and Teller were chosen by the assembly in joint convention.

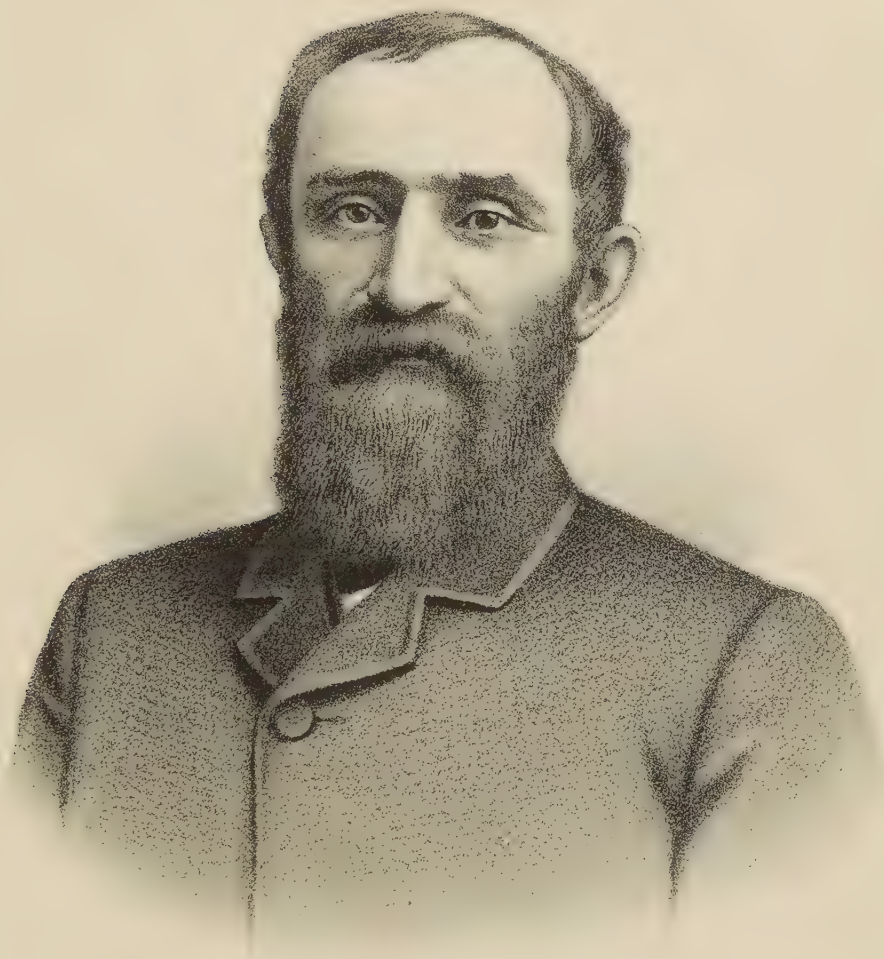
Mr. Chaffee was born in Niagara County, New York, April 17th, 1825, where he was educated, after which his parents located in Michigan. Young Chaffee subsequently removed to St. Joseph, Missouri, and there engaged in banking. In 1860 he came to the Pike's Peak gold region, and, with Mr. Eben Smith, took up the pursuit of mining and milling in Gilpin County, in which both acquired handsome fortunes. He was elected to the Territorial legislature in 1861, and again in 1863, when he was chosen Speaker of the Lower House. In 1865, under the State Constitution (which failed of adoption by the repeated vetoes of Andrew Johnson), he was elected to the United States Senate. From that time forward he became the leader of the Republican party in Colorado, a position which he retained until his death. In 1865 he organized the First National Bank of Denver, and through all the years from 1860 to 1888 was extensively engaged in mining, but devoted the greater part of his time and remarkable talents to politics, Territorial, State and National.

Henry M. Teller was born in Allegheny County, New York, May 23d, 1830, acquired an academic education by dint of close application to study, and paid for the same by teaching school between terms. In 1856 he began the study of law in the office of Judge Martin Grover of Angelica, New York, and was admitted to the bar in January, 1858. Soon thereafter he located in Whiteside County, Illinois, where he began the practice of his profession. In the spring of 1861 he came to Colorado and opened a law office in Central City in connection with H. A. Johnson, the little tin sign on the crude little cabin reading "Johnson & Teller, Attorneys at Law." In 1863, during the Indian troubles he was appointed by Governor John Evans, Major General of Militia, and organized the forces for the first general movement against the hostile savages. In 1865 he became connected with the organization of the Colorado Central Railroad, drew the charter which passed the Territorial legislature in that year, and for five years was president of

the company. As a lawyer he was eminently successful. From the earliest times he had stood at the head of the bar, and has not since been displaced. He took zealous part in all the political movements of his party, and in most of the public enterprises of Gilpin County. In the great order of Ancient Free and Accepted Masons, he was the original leader, though not the first Grand Master. As its head and governing influence for many years, he had much to do with perfecting the splendid organization which is the pride of every member of the craft to-day. For a long time he was its accepted leader and lawgiver. Thoroughly familiar with its history and its needs here in Colorado, he guided it by wise counsels to its present exalted standing. But the fact which more than any other influenced his choice as Senator, was the universal recognition of his fitness for the position. On this point there were no dissenting opinions. During the administration of President Arthur he was appointed Secretary of the Interior, a place which he was pre-eminently qualified to fill acceptably, by virtue of his great knowledge of the principal questions constantly arising in regard to the disposition of the public domain and mineral lands. It was said of him that he was the greatest Secretary of the Interior that had occupied the office during the last fifty years. At the close of his term he was re-elected to the Senate, where he still remains.

Our Senators elect were sworn and seated December 4th, 1876. This being the first representation of Colorado in the Senate, lots were drawn under the rules to determine which of the two should hold the longer term. In the first drawing Mr. Chaffee drew the term of two years, and Mr. Teller a blank. On the second Mr. Teller secured the ticket which covered only the unexpired term which closed March 3d, 1877, and Mr. Chaffee that which expired in March, 1879. On the 9th of December, 1876, Mr. Teller was re-elected for the full term of six years from March, 1877, the Democrats casting their votes for Hon. Thomas Macon.

The presidential electors, at a meeting, selected Otto Mears, one of their number, as messenger to carry the electoral vote of Colorado



Otto Mears

which had been cast for Mr. Hayes, to Washington. The General Assembly had adopted a concurrent resolution, recommending and requesting the electors to employ Mr. Louis Dugal as messenger, because of his distinguished services to the party in the State campaign, he having acted as chairman of the Arapahoe County Republican Central Committee, and had been named as one of the candidates for presidential elector. The chosen three however, saw fit to adopt a different course, therefore upon Mr. Mears fell the coveted honor.

On the 9th of January, 1877, the President appointed Hon. Moses Hallett to be United States District Judge for the district of Colorado, and Hon. Westbrook S. Decker to be United States District Attorney. Judge Hallett had long been esteemed by the bar and the people as the most eminent jurist of Colorado, and by many as the equal of any in the country, hence, his selection gave great satisfaction. Judge Decker was a prominent lawyer, a member of the firm of Symes & Decker; had been an active adherent of the Republican party, a man of unblemished character, of high social standing, and universally respected. Both were immediately confirmed and in due time assumed the duties of their respective offices. Judge Hallett's commission was received January 23d, just in time to enable him to qualify and take his place on the bench and thereby prevent the lapse of the term, by the absence of Judge Dundy. One of the first cases to be considered was that of the Union Pacific vs. The Colorado Central Railway, the history of which appears in a subsequent chapter.

On the 17th of January, William L. Campbell was appointed Surveyor General of Colorado. Mr. Campbell was a professional engineer, one of the first to lay out and construct public thoroughfares in the mountains. He arrived in 1860, built the Virginia Cañon wagon road from Idaho Springs to Russell Gulch, in Gilpin County, had been a mail contractor, proprietor and manager of some of the early lines of stages, and to some extent engaged in mining. He took possession of the Surveyor General's office February 24th, 1877, with Mr. E. M. Ashley (who had served nearly all his predecessors), as chief clerk.

The General Assembly having completed its work, adjourned March 20th, 1877, after a continuous session of one hundred and forty days, in which it provided for a complete revision of the Territorial laws, perfected the machinery of State government, and passed many new measures. Its record cannot be recited here. Its work is found in its voluminous publications. As a whole, it was a very creditable body of representative men, who applied themselves industriously to the business before them, and in all things conducted themselves with proper decorum. The closing hours were marked by no disgraceful scenes, quite in contrast to those of some, perhaps the majority of its successors. A commendable spirit of economy prevailed. Hon. Alva Adams (afterward elected Governor of the State, in 1886) was one of the ablest debaters on the Democratic side, and honestly earned his soubriquet, "The watch dog of the Treasury," by his incessant endeavors to curtail expenses.

CHAPTER XVII.

PROGRESS OF INTERNAL IMPROVEMENTS—EXTENSIONS OF THE RIO GRANDE RAILROAD
—SHORT HISTORY OF THE ATCHISON, TOPEKA & SANTA FE—COMPANIES FORMED
IN PUEBLO—INCEPTION OF WAR BETWEEN THE SANTA FE AND THE RIO GRANDE
—FORCIBLE SEIZURE OF THE MOUNTAIN PASSES—ENGINEER MORLEY'S FAMOUS
RIDE—ARMED CONFLICT IN THE GRAND CANON—ARREST OF M'MURTRIE AND
WEITBREC—A GREAT BATTLE IN THE COURTS—LEASE OF THE RIO GRANDE TO
THE SANTA FE—MANAGER STRONG'S AMBITION—RENEWAL OF THE WAR—JUDGE
BOWEN'S WRITS—RIOTING ALL ALONG THE LINE—TROOPS CALLED OUT.

Having safely launched the new ship of state, it is proper to retrace our steps for the purpose of defining some of the more important measures in progress, calculated to advance the rapid development of our internal resources, in which the reader will find some rather interesting incidents that are not likely to be repeated in the future.

Track laying on the Denver & Rio Grande Railway, then, as now, our most essential and widely extended artery of inter-communication with the principal productive stations, was completed from Colorado Springs to Pueblo, June 29th, 1872. The Arkansas Valley branch, extending thirty-eight miles up the Arkansas River to the coal mines in Fremont County, was put in operation November 1st, 1872. The receipts of the company for that year aggregated \$281,400.29, and the net profits above operating expenses, \$106,193.97. From the report made to the stockholders April 1st, 1873, it was shown that the company possessed the following inventory of rolling stock: Twelve locomotives, seven passenger cars, four baggage, mail and express cars, four open observation cars, two hundred and fifty-eight freight cars, twenty-two dump cars, twenty-one hand and push cars, and two snow plows. Compare this modest exhibit of rolling stock with the splendid equipment of

to-day (1889), the completeness of detail, the fifteen hundred miles of well-ballasted track and the prodigious traffic which covers the line, the cities and towns established, and you will have some conception of the vast range of development that has taken place in the country it traverses, which at the beginning of this enterprise was virtually a trackless wilderness.

The second annual report published in the fall of 1874, gave the following statement :

Earnings of the main line 118 miles, for the year 1873,—freight, \$200,129.49; passenger, \$190,986.34; miscellaneous, \$1,538.06; total, \$392,653.89, yielding a profit above operating expenses of \$195,529.58, an increase of 88½ per cent. over 1872. The tonnage of the main line, exclusive of construction material, increased from 36,272 in 1872, to 59,229 in 1873; the number of paying passengers increased from 25,158 in 1872, to 34,696 in 1873. Eighty-eight per cent. of the traffic was purely local. Of the 34,696 passengers carried, only 718 were ticketed to, or from points off the line. In preceding chapters some attention has been given to the sterile, bleak and inhospitable appearance of the country at the beginning of 1871, when the daring progenitors of this railway resolved to strike out from Denver to El Paso, Texas. The average number of passengers conveyed by stages between Denver and Pueblo, did not exceed three daily. The endeavor to maintain this stage line bankrupted its owners. Yet two years later we find this little experimental narrow gauge carrying nearly thirty-five thousand people, in the course of its second year. It seems almost incredible that such marvelous changes should have taken place in so short a time and under conditions so unpromising. It forms a remarkable feature of our annals, that the supplanting of stages and the ordinary modes of conveyance by iron rails and steam power, should effect such sudden and mighty revolutions in the progress of the State, as are here exhibited, yet this was only the beginning of the initial chapter. Still more stupendous transformations have marked each successive epoch. But the road had



D. C. Brady

to pass through some terrible convulsions, involving wars, bankruptcy and partial ruin before these later triumphs were achieved.

The number of narrow gauge lines in the United States and Canada had increased at the close of 1873 to about 1,400 miles, built and in operation ; there were 1,500 miles under construction, and about 10,000 miles projected. All that had been completed, including those which had been partly built, had adopted the three foot gauge. The four counties traversed by the Rio Grande road up to 1874, had increased their taxable wealth from a total of \$6,689,003 in 1870, to \$18,602,217 in 1873, and the gain has been correspondingly strong from that time to the present. The increase in the twenty-one counties of the Territory then organized was from \$16,015,521 in 1870, to \$35,669,030 in 1873, or nearly one hundred and twenty-three per cent. In population Pueblo had quadrupled, Arapahoe and El Paso more than trebled, and Douglas had doubled.

Notwithstanding the stagnation which followed the panic of 1873, continuing until the beginning of 1879, the genius, energy and invincible power of Gen. W. J. Palmer, ably seconded by his corps of vigorous young lieutenants, kept the Rio Grande road pushed onward to the accomplishment of the great designs in view. Leaving South Pueblo, it struck southward to the bluffs of the San Carlos, to the Greenhorn and down into the San Luis Valley, over one of the most rugged, difficult and costly routes which had ever been attempted, developing at the same time some surprising feats of railway engineering. Meanwhile, not a little ill feeling had been engendered between Palmer and the managers of the Atchison, Topeka & Santa Fé, out of which came, a few years later, the greatest conflict of its class in modern times. The difficulty arose from questions relating to the distribution of traffic, and the interchange of commercial amenities. The Rio Grande, in the full tide of its prosperity, was disposed to be aggressive, acting upon the theory that, having entered and taken possession of the southern country, so to speak, and by the force of its progressive influence redeemed it from a semi-savage state, it was fairly entitled to such advantages as

were to be gained. The Santa Fé came to be regarded as an interloper, forced in from its headquarters in Boston, to overawe a native of the land and usurp its rights. The standard gauge magnates resisted, and a war of words ensued, but happily, worse results were, for the time being, averted. The officers of the rival companies met at Pueblo, talked over their differences and reached an amicable understanding.

When the little road reached Veta Pass, it began to experience serious financial embarrassment, owing to the rapidity of its extensions and the stringency of the money market. It had failed to meet the interest on its mortgage bonds. Palmer proposed the funding of the three interest coupons to May 1st, 1878, and it was accepted. The road, according to the statements rendered, was doing a paying business, but was in danger of losing a considerable part of its profitable traffic unless it could be extended still further to the southward. The completion of the Santa Fé to Pueblo, had reduced its carrying trade to some extent, and there was a prospect that the Kansas Pacific or the Santa Fé would strike toward New Mexico and gather in the trade of that Territory by a line from Trinidad, or toward the San Juan country, then coming into prominence. The narrow gauge had been built from El Moro to La Veta, but it could not be safely allowed to rest there. It was of the utmost importance to push it over the pass to Fort Garland, in the San Luis Valley, where it would be comparatively secure from exterior influences. From causes already defined, much difficulty was found in procuring the aid of new capital, and the resources of the company were severely strained to meet the more pressing demands and continue the work. To increase its embarrassments, early in August, 1877, a bill in equity was filed by some of the bondholders, in the United States Circuit Court at Denver, for default of the 1877 interest, and a motion entered for the appointment of a receiver. This action was denied by Judge Hallett, because the affairs of the company were not shown to be in a condition to justify such interference. The same application was made to Judge Dillon and by him also denied. The proposition advanced by Palmer to fund

the coupons to May 1st, 1878, into ten year certificates, and apply the intermediate earnings to the payment of floating indebtedness, and to the extension of the road to the Rio Grande River, had received the assent of a majority of the bondholders, and there was reason to believe that the company would soon be relieved from its financial squeeze. The road was completed to Garland about the 15th of September, 1877, which gave it the trade of the Southwest, and to Alamosa, July 6th, 1878.

From the first of March, 1876, when the Pueblo and Arkansas Valley branch of the Santa Fé was finished to Pueblo and opened, the records of this company and of the Rio Grande were, for some years, almost inseparably connected. The formal inauguration of the enterprise just mentioned was celebrated on the 7th of March, in which several communities joined. Trains bearing guests arrived from Denver, from Cañon City and from various points along the Santa Fé and the Rio Grande roads. They were met by the people of Pueblo, and escorted to the Lindell Hotel, where they were welcomed by Hon. James Rice (now in his second term as Secretary of State), Mayor of the city.

What is now the Atchison, Topeka & Santa Fé road, was originally chartered February 11th, 1859, under the name of the Atchison & Topeka Railroad Company. The existing title was assumed in March, 1863. The first incorporators obtained a land grant from Congress, which was transferred to the latter corporation. By act of Congress March 3d, 1863, there was granted this line in Kansas, ten sections of land per mile, or a total of 2,934,659 acres. Little or nothing in the way of improvement was done until 1868, when a new company composed of Boston capitalists purchased the franchise. Toward the close of 1869, twenty-eight miles of road had been built. A year later the line between Topeka and Emporia, sixty-two miles, was completed. In 1871 it was extended to Newton, seventy-four miles west of Emporia. The next movement was to build three hundred and forty miles to the Colorado boundary line, which, under the terms of

the charter, had to be completed within two years or the land grant would be forfeited. In 1872 the directors voted to proceed and finish the line to Colorado, within the time allotted. In December, 1873, a company was formed at Pueblo to build a railroad from that city to the western terminus of the Santa Fé road. The directors were M. A. Shaffenburg, W. R. Orman, George M. Chilcott, O. H. P. Baxter, J. N. Carlisle, P. K. Dotson, Moses Anker, M. D. Thatcher and J. Reynolds. The officers chosen by these directors, were Moses Anker, President; M. D. Thatcher, Vice-President; J. Reynolds, Treasurer; and G. W. Morgan, Secretary. The solicitors were Hugh Butler of Denver and H. C. Thatcher of Pueblo.

In March, 1874, Pueblo County voted a subscription to the stock of the company to the amount of \$350,000. Its title was the Pueblo & Salt Lake Railroad. Subsequently Anker and Shaffenburg resigned from the Board of Directors, and James Rice and Allen A. Bradford, were elected in their stead. Soon afterward M. D. Thatcher was elected President, O. H. P. Baxter, Vice-President, and Wilbur F. Stone, Attorney.

Several corporations had been previously organized, the Colorado & New Mexico Railway Company, the Pueblo & Salt Lake, and the Pueblo & Arkansas Valley. All these were now merged into one corporation under the latter name, with a view to the construction of a line from Sargent, Kansas, to Pueblo. At a later period when the Atchison Company decided to unite with the corporators named, Joseph Nickerson was elected President, Thomas Nickerson, Treasurer, and M. D. Thatcher, Secretary and Assistant Treasurer. These officers, with the exception of Thatcher, were also officers in the Atchison road, Joseph Nickerson being president of that company.

In the course of their operations the county of Bent was induced to vote bonds to the amount of \$150,000 in aid of the enterprise. Such was the inception of the branch line that connected the metropolis of Southern Colorado with the Santa Fé system. It was completed February 26th, 1876, but not formally opened until after the 1st of March.



James Munro

This matter disposed of, we will now proceed with the course of affairs which eventuated in a prolonged and bitter strife between the Santa Fé and the Rio Grande, provoked some blood letting, harassed the courts for years, and incited general disturbance among the people of four counties.

Although traffic arrangements between the two roads had been established, there was, nevertheless, a deep-seated feeling of jealousy that seemed to require constant watchfulness. The Rio Grande people comprehended that their standard gauge rival had entered the field, not with the idea of stopping permanently at Pueblo, but to invade all the paying territory of which that point was the natural *entrepot*,—the South Park, the Upper Arkansas, the San Juan and Denver, a territory over which they themselves asserted exclusive jurisdiction, and it became their leading purpose to head off these projects by occupying all points of advantage, particularly the mountain passes, as fast as their means would permit. The principal difference between them lay in the fact that the Boston company had the longer purse. Gen. Palmer being heavily handicapped by debts, had the greatest difficulty in acquiring means to fortify himself against the aggressions of his formidable adversary.

About the last of February, 1878, it became apparent that the Santa Fé was preparing for another movement, but in what direction could not be ascertained, though the suspicion arose that it was to be toward Cañon City. Palmer watched every avenue closely and prepared to spring at the critical moment. The last week in February the secret was discovered. The Santa Fé had plotted the capture of the Raton Pass. Hundreds of men and scores of teams had been gathered with the utmost celerity and pushed into the pass, which had been surveyed and, to all intents and purposes, occupied by the Rio Grande. The two lines ran side by side. Naturally enough, this sudden *coup* created some consternation, and for a time there were open threats of an armed conflict, but none occurred. On the 26th of February the Santa Fé force completely occupied the ground in dispute and refused to be

dislodged. The people of Trinidad, hostile to the narrow gauge, because Palmer and Hunt had avoided them and built a rival town at El Moro, only five miles distant, openly espoused the cause of its opponent and furnished it with men and sinews of war. In the pursuit of its purposes under the forceful leadership of W. B. Strong, who had been taken from the Chicago, Burlington & Quincy, and made Vice-President and general manager of the Atchison Company, and who developed into one of the most determined railway leaders of the West, the next advance was made in the direction of the Grand Cañon of the Arkansas River, the gateway, and the only practicable one, to the mines of Park and Lake Counties.

About the 20th of April, 1878, Mr. Strong began grading a line from Pueblo toward Cañon City, with the avowed purpose of completing the same within thirty days. The Atchison Company had recuperated its finances,—which at the time of entering Colorado had been at a low ebb,—and entered upon an extensive scheme of railway building. Two and a half millions had been provided for branches or feeders to the main line in Colorado, and there was a report that the Arkansas Valley branch would be extended to Denver. It became evident that Mr. Strong intended paralleling the Rio Grande into all of its most productive territory, and that he had fully resolved to break up that corporation. The situation in Southern Colorado daily became more and more exciting. Both companies were in arms and arrayed against each other in deadly hostility.

The contest for possession of the Grand Cañon of the Arkansas River began on the 19th of April, 1878. The Rio Grande people having possession of the telegraph lines, discovered the ulterior designs of the Santa Fé by deciphering its cipher dispatches, and that they were about to make a sudden dash into the cañon. A spirited scramble for precedence ensued. Mr. Strong was at El Moro when he heard of a movement by the Rio Grande engineers to cut him out. He instantly made application for a special train to convey him to the spot, but was met with a prompt refusal. One of his surveying engineers, named William

R. Morley, was at La Junta. He was immediately telegraphed to take an engine and run with all speed to Pueblo, and from thence to outrun the Rio Grande force to Cañon City. He obeyed, arriving in Pueblo at 3 o'clock on the morning of the 19th. There he asked for a narrow gauge locomotive to carry him to Cañon, but it was denied. Palmer's men had made arrangements to send a force of one hundred laborers in the same direction early that morning. Unable to procure steam power, this bold engineer mounted the swiftest horse he could find and struck out under whip and spur for the mountains. It was a ride of forty-five miles, and the desperate emergency demanded that horse and rider should be strained to the utmost. Morley felt that he must, at all hazards, beat the Rio Grande into Cañon City, and having a few hours the start, it was simply a question of endurance. When within a few miles of the goal the horse fell dead by the wayside. The rider without stopping, ran at the top of his speed the remainder of the way. Arriving in the town where the sympathy of the people was given most heartily to the Atchison cause, he quickly gathered a force of one hundred and fifty men, and with them rushed to the mouth of the cañon, two miles distant, and by the time the Rio Grande force arrived on the scene, half an hour later, had full possession. For this exploit he was presented by Mr. Strong with a splendid gold mounted Winchester rifle, which subsequently caused his death. While acting as chief locating engineer for the Santa Fé company from Guyamas, Old Mexico, he attempted to remove the rifle from an ambulance, when the weapon exploded and he was killed.

Exciting telegrams flew thick and fast over the wires. Bodies of men were moved from point to point with the utmost expedition. Each company had grading and fighting forces in the cañon. The Santa Fé sued out writs of injunction in the local court. Chief Engineer J. A. McMurtrie and R. F. Weitbrec, the Treasurer, were placed under arrest. Conflicts arose between the working forces. Engineers with gangs of graders seized every available point in the narrow gorge below and above. Arrests became matters of daily occurrence, but the Santa Fé

appeared to have the advantage. Meanwhile, the attorneys on both sides were stripping for a gigantic wrestle in the courts over the question of prior right. Hon. Thomas Macon represented the Rio Grande, and Gilbert B. Reed the Santa Fé. On the 26th of April, District Judge Henry issued an injunction against the Santa Fé. The conflict in the cañon continued, but without bloodshed. About the last of April the cause was brought up before Judge Hallett in the United States court. In the meantime, the standard gauge company held its advantage in the Raton Pass, and had let contracts for the continuation of its main trunk into New Mexico.

On the 6th of May the contestants appeared in the Federal court on a motion by the Rio Grande to transfer to that tribunal the injunction case begun in the State court. At a previous hearing the application had been denied, but was now renewed upon the plea of the D. & R. G. company that, owing to the prejudice of the people, it would be impossible for them to secure an impartial hearing in Fremont County. And this was substantially true, as I personally witnessed. The narrow gauge had scarcely a friend in the town of Cañon. The masses were almost indivisibly for the Atchison company, and they gave it every possible aid and encouragement. The underlying cause of their hostility was the same which had exasperated and alienated the people of nearly every other established town approached by the Rio Grande road, whose projectors attempted, instead of entering and aiding them to leave them to one side and build up rival settlements near their borders. It was a short-sighted, and ultimately proved a very disastrous policy. Its fruitage caused Palmer and his associates interminable trouble, that might have been avoided by a more rational and liberal course.

In the Federal court on this occasion, the Denver & Rio Grande was represented by Wells, Smith & Macon, of Denver, and H. A. Risley of Colorado Springs, and its adversary by Willard Teller, Gilbert B. Reed and Charles E. Gast. Arguments having been heard, Judge Hallett resolved to invite Judge Dillon's consideration of the case before rendering a decision, but in the meantime issued an order

restraining both parties from working on the disputed ground, and from interfering with each other until a determination of their respective rights should be reached. He granted an injunction to the Rio Grande against the Santa Fé, and permitted the one already obtained by the latter in the State court to stand. Both parties were to withdraw from the field and remain passive until the further order of the court, and each was required to give bond in the sum of \$20,000 with sureties to be approved by the court.

In obedience to this decree the laboring and fighting forces were withdrawn and discharged. Thus ended the first chapter of chronicles in this celebrated case, but the war broke out again with accentuated virulence, later on.

June 1st concurrent opinions were filed by Judges Dillon and Hallett, and orders in conformity therewith issued by the latter. It must be understood in this connection that the Santa Fé people had conducted all their operations in the name of the Cañon City & San Juan Railway Company, a local organization whose franchise had been purchased by them. The effect of the orders mentioned was to permit the Cañon City & San Juan Company to resume grading in the cañon, but to continue the injunction restraining it from laying rails upon the grade; the injunction against the Rio Grande to remain unchanged. These orders were designed to operate temporarily until the case could be thoroughly examined at the regular term of the United States Circuit court to be held in July.

On the 9th of the month last named, the struggle was renewed, Judge Dillon presiding. Lengthy arguments were heard on the demurrer of the Santa Fé to the complaint filed by its opponent. A perpetual injunction was asked for, restraining the former from constructing its road through the cañon. The whole ground was gone over again for the purpose of advising Judge Dillon of all the material points in controversy. Hon. J. P. Usher appeared for the first time as chief counsel for the Rio Grande, and made an elaborate argument. He was followed by Mr. Macon, who raised the point that the Atchison com-

pany, and not the Cañon City & San Juan was the real aggressor ; that the latter, if it possessed any rights at all under the general act of 1875, had forfeited them by not only acquiescing in the action of the Santa Fé in taking forcible possession of the line, but in practically aiding it to carry out its illegal purposes ; that the Santa Fé, having no corporate existence in this State could have no rights, and therefore both these companies should be restrained and the injunction against his clients removed, because they had the only and exclusive right of way through the cañon by virtue of the special act of Congress of 1872. The gist of Macon's plea was that the D. & R. G. really had no contestant in the case ; that the San Juan company was never organized for the purpose of building a road through the cañon ; that its capital stock originally was but \$100,000, and that even if all paid up it could not build three miles of road ; that it was organized for the sole purpose of a cloak for the Santa Fé, which had no rights under the law.

The attorneys for the latter made no reply, but agreed to submit the case on its merits. On the 22d the matter came up again, when a great deal of testimony was taken. J. A. McMurtrie, chief engineer for the narrow gauge, testified that he made the first survey through the cañon in January and February, 1871, from Cañon City to Twelve Mile Park. In 1872 he continued the survey four miles beyond, staking the cañon all the way. In April, 1878, he ran his line three miles further, when he was stopped by the Santa Fé. Col. W. H. Greenwood testified that he had been general manager of the Rio Grande road until July, 1874 ; that the survey through the cañon was made by his direction, and for the purpose of holding that thoroughfare.

After two or three days spent in the examination of witnesses, the cause was continued to the first week in August. On the 23d of that month Judge Hallett rendered a decision, which granted the Cañon City & San Juan company the right to go forward and construct its line as surveyed. He found that under the act of Congress of March 3d, 1878, with which that company had complied, that it was entitled to priority of right of way through the cañon over its line of twenty miles, as surveyed,

located and platted. The Denver & Rio Grande company were therefore restrained from any interference, and from constructing a line for themselves, but might proceed, if they could without interference, to construct another line, and if it became necessary, might, on application to the court, be allowed to use the track of the other company. But the Cañon City & San Juan was cautioned not to construct its line in such a manner as to make it more difficult or expensive for the Rio Grande to construct, and either party in case it considered itself aggrieved or wronged by the other, might apply to the court for protection.

This was a decided repulse to the Palmer forces, but they resolved not to stop there. They appealed to the Supreme Court of the United States, and pending decision there, decided to construct their undisputed line above the twenty miles covered by the Cañon City & San Juan.

On the 12th of September, the Atchison company consolidated with the Pueblo & Arkansas Valley, and the Cañon City & San Juan. Its lines were in operation from the east line of the State to Pueblo, and from La Junta to Trinidad. Its consolidated capital stock was \$6,000,000. It proposed to build under the arrangement, from Pueblo to Cañon City, thence through the Grand Cañon to Leadville, through Gunnison Pass, and to Park and Summit counties, with a number of branches covering all the Rio Grande territory, including Colorado Springs and Denver.

About the 1st of May, 1872, Col. D. C. Dodge was made general freight and passenger agent of the Rio Grande lines. He was thoroughly familiar with every detail of the business through long connection with the Chicago & Northwestern Railroad and the Kansas Pacific. In the wars of the narrow gauge with its persistent rival, he took a prominent part and proved an admirable manager.

On the 8th of October, 1878, rumors of a lease of all the narrow gauge lines to the Santa Fé company began to appear. On the 11th they were confirmed. On the 15th there came a dispatch from Cañon City saying the matters in controversy had been adjusted, that both companies would continue their extensions southward, the Santa Fé

abandoning the Arkansas cañon to Palmer. The papers were executed in New York, October 19th, 1878, and provided for the transfer December 2d. By the terms of the lease the Santa Fé agreed not to build, operate or encourage any road, directly or indirectly, not already constructed, that is parallel to, or competing with, the Denver & Rio Grande's then constructed lines; further, that the Santa Fé company should not change the gauge nor lay a third rail without widening the gauge or laying an additional rail over all the lines, except those between Pueblo and the coal mines east of Cañon City; and any lines that might be built from any terminus of the Denver & Rio Grande road or in extension thereof, should be of three-foot gauge. The Santa Fé bound itself not to discriminate in freight or other charges in any manner to the injury of the Denver & Rio Grande, and when traffic could be carried at the election of the lessee, it should be transported by the shorter line. The rental was to be paid monthly, and when the Santa Fé took possession it was to pay for fuel, material and other railway supplies on hand, a sum to be agreed upon by two persons to be appointed by the president of each road; the sum so paid to be applied by the Denver company to the payment of its debts, exclusive of stock in excess of \$22,664 per mile. No provision of the lease was to be abrogated or modified without the formal written consent of the trustees of the existing mortgages of the Denver & Rio Grande. All litigation between the two companies was to be abandoned, the narrow gauge road to be extended to the San Juan mines and through the Grand Cañon of the Arkansas. The usual conditions of such instruments as to keeping the leased road in good repair, etc., etc., were included.

At the annual meeting of the Rio Grande stockholders, held at Colorado Springs, November 29th, Gen. Palmer presided, and most of the stock was represented. The proposition of the Santa Fé to lease the road was fully discussed, after which Dr. W. A. Bell introduced a resolution to the effect, that the proposed lease of the present constructed lines "be and the same is hereby ratified and confirmed; *provided, however,* that inasmuch as certain acts are first required to be done, and

the lessee company is first required by said lease to deposit a certain sum for supplies and property, to be ascertained as therein stipulated, possession shall not be given until the President shall so direct." The resolution was adopted. The lease was to run thirty years; rental for the first year, forty-three per cent. of the gross earnings, with a reduction of one per cent. for each succeeding year to the seventh, after which to the fourteenth inclusive, it was to be thirty-seven per cent., and for the remainder, thirty-six per cent.

The stockholders re-elected the old board of directors,—Palmer, Bell, Risley, Wagner and Hunt. The officers chosen by the Board were: Palmer, President; Dr. Bell, Vice-President; Wm. Wagner, Secretary; R. F. Weitbrec, Treasurer; H. A. Risley, Solicitor, and D. C. Dodge, General Manager. Although the lease had been virtually ratified, ill feeling cropped out from time to time, and it was clearly apparent that the arrangement was far from being amicable. But the Rio Grande was in hard lines just then. Had Palmer been able to move his financial affairs successfully, no such compromise could have been effected.

The Santa Fé in its progress southward, crossed the southern boundary of Colorado into New Mexico November 30th, 1878, by a temporary switchback over the Raton Range, to give passage to its trains while the mountain was being tunneled. The grading had been completed nearly to Las Vegas, 113 miles in advance.

The formal transfer of the narrow gauge road took place at midnight of December 13th, 1878, all disagreements having been reconciled. D. C. Dodge continued for a short time as general manager, and W. W. Borst permanently as superintendent.

It was not long, however, before it began to appear that Mr. Strong's plan was to sacrifice Denver in the interest of his main line, and, in the advancement of that purpose, to divert the wholesale and jobbing trade of the State to Pueblo, making that the commercial center, and using the leased lines as feeders and distributors of traffic from the base at Kansas City. He was at war with the Kansas Pacific

and Union Pacific, though he subsequently pooled with them when it became apparent that his principal scheme would fail. The apprehension grew among the wholesale and jobbing merchants of Denver as the evidence accumulated, that they were to be restricted to such trade as might be open to them in the northern division of the State. The Santa Fé signalized its possession of the narrow gauge lines by immediately raising the rates on consignments to the south, which was a conclusive indication of Mr. Strong's ultimate design.

Matters proceeded in this manner until March, 1879, when the great struggle which began in the Grand Cañon was resumed with renewed vigor. The Santa Fé company demanded that they be allowed to examine the books kept by Palmer's officers, which the latter refused. On or about the 20th of that month rumblings of another tempest became distinctly audible. The rancor between the belligerents, though smothered for a time, had never been wholly quieted. Now it threatened to become more wicked, turbulent and irreconcilable than before. A prolonged and bloody trial of conclusions was foreshadowed, and it soon manifested itself in violent action. Armed parties began to re-enter the cañon, preparatory to the soon expected decision of the United States Supreme court on the question of prior right of way. Each party was sanguine that it would be in its favor, and each resolved to be on hand at the moment when it should be announced, so as to lose no advantage through neglect of opportunities. Early in April the Rio Grande people, exasperated to the fighting point by the movements of their hated adversary, began preparations to retake and hold at the muzzles of rifles and shotguns, if necessary, the entire system of roads which they had built, and which it was claimed was being operated in violation of some of the principal conditions of the lease. General Manager Dodge, who keenly watched every movement, declared that the lease had been virtually broken by the Santa Fé within the first twenty-four hours of its possession, and so notified Manager Strong. Palmer, with his exhaustless energy, had

meanwhile, succeeded in making arrangements for ample funds to extend his line to Leadville and to the San Juan.

The apprehension of an attack upon, and the seizure of Rio Grande trains, stations and other property, became so alarming as to induce W. W. Borst, Superintendent of the Atchison interest, to issue a printed circular addressed to all the employes of the road, reciting the events which led to its transfer, and stating that he had been informed from trustworthy sources that Palmer & Co., regardless of existing contracts, would attempt, by arresting the employes "on trumped up charges," and by forcible means, to obtain possession of their property. He cautioned them not to obey any orders save those of the regularly constituted authorities of the road.

A show of violence occurred at Colorado Springs, in which a few men undertook to break open the baggage room of the station at that point, but they were fired upon by the guard and frightened away.

About the 10th of April Mr. Strong arrived in Denver to begin preparations for a war which he knew to be inevitable, not in the Grand Cañon alone, but in the courts also. Palmer and his officers openly asserted that the Santa Fé had mismanaged the road, diverted trade from it, and was endeavoring to wreck it. On the other hand, Strong asserted that the books had been spirited away out of the State by Secretary Wagner.

When negotiations for the lease began in 1878, Denver & Rio Grande bonds were quoted at forty to forty-five cents. In 1879 they were worth ninety cents on the dollar. The stock was then practically worthless, but had since risen to sixteen and seventeen cents. One of the evidences of bad faith shown by Palmer was demonstrated by an arrangement that had been entered into between the Santa Fé and the Denver & South Park roads, whereby the latter was to be assisted with funds to complete its road to Leadville, but that, owing to the refusal of the trustees of the Rio Grande bondholders, it had to be abandoned.

On the 21st of April, 1879, the Supreme court rendered its decision

upon the prior right of way in the cañon through Justice Harlan (Chief Justice Waite dissenting), that both roads were entitled to joint occupancy of the narrow gorge, but giving the Rio Grande the prior right. The Santa Fé was allowed to share the privilege under rules to be fixed by the Circuit court, upon grounds of equity and public policy. It was then definitely determined that no single company of railway builders could pre-empt, occupy, and hold against all comers, the narrow gorges of the mountains. The opinion, reduced to brief terms, declared: First, that the Rio Grande was entitled to the prior right; second, that the injunction against it must be dissolved; third, joint occupancy under rules to be fixed by the court; fourth, that the court below erred in not recognizing the prior right and in enjoining it from proceeding with the construction of its road.

Victory came to the Rio Grande at last, but its fruits were not to be enjoyed until after the termination of another mighty battle with its powerful antagonist.

Next came up for determination, the vital questions involved in the motion to cancel the lease, and this with others of no less importance, occupied the attention of the court for some time. The Rio Grande, though granted its right of way, was estopped from occupying the north, or advantageous side of the cañon, until it should have paid the Santa Fé the cost of constructing its roadbed thereon. While these intricate problems were before Judge Hallett, the Attorney General of the State, Mr. Charles W. Wright, interjected a new element of confusion by entering suit to enjoin the Santa Fé from operating railroads in the State of Colorado. The hearing was had before District Judge Thomas M. Bowen, in the small town of San Luis in Costilla County. He had previously obtained a writ of *quo warranto*, intended to force the Santa Fé to show cause why it, a foreign corporation, presumed to operate railways in this State. Bowen heard the argument first at San Luis, and later at Alamosa, when the Santa Fé promptly applied for a change of venue to another district, its attorney, Mr. Willard Teller, presenting some rather caustic reasons therefor, among others alleging

that Bowen was strongly prejudiced against his clients and they could not hope to obtain justice in his court. Those who comprehend how cuttingly severe Mr. Willard Teller can be when fully aroused to the expression of his deepest sarcasm, can well appreciate the penetrating effect of his words on this occasion. It is sufficient to say that he went to the uttermost depths in the arraignment and, naturally enough, met a prompt denial of the motion. At Alamosa the court led the proceedings in a breezy rejoinder to Teller's attack upon him. The papers took up the cause and sent the sensational tidings broadcast, thereby intensifying the popular excitement.

On the 9th of June, 1879, alarming reports filled the land over the announcement that the Rio Grande fighting force organized for the occasion, had attacked and driven the Santa Fé employes out of their stations at Colorado Springs and Labran (Cañon City coal mines), and that armed bodies were marching on South Pueblo, to capture the property there. Up to this time Governor Pitkin had remained neutral, though repeatedly importuned to interfere, but he now began to realize that serious trouble was imminent, and therefore issued orders to the sheriffs of the counties threatened, to call out the State troops if unable to suppress disorders by ordinary *posses*. There were reports of seizures of property at Colorado Springs, and other points. Things began to look ugly, and as if the military power would have to be brought into action. But the reports were found to be grossly exaggerated. The telegraph lines had been cut by Santa Fé men. The Rio Grande manager, Dodge, sent some of his men to repair them, but they were prevented. The disturbance at Labran was with the Colorado Coal and Iron Company, and not with the narrow gauge employes.

Again it was stated that a day had been fixed for a simultaneous uprising to seize the entire system by force. The Santa Fé company reported the matter to Governor Pitkin and implored him to send troops. Other hostile demonstrations which, as a matter of fact amounted to very little beyond bluster, occurred at Colorado Springs.

Pitkin telegraphed the sheriffs of El Paso and Pueblo Counties to preserve the peace at all hazards, and at the same time ordered the troops in Denver to repair to the general armory and hold themselves in readiness for marching orders.

The writ issued by Judge Bowen, enjoined the Santa Fé and all its officers, agents and employes from operating the Rio Grande road or any part thereof, and from exercising in any manner corporate rights, franchises or privileges within the State of Colorado, and in brief, turned the entire property over to Palmer and his company.

Acting upon this authority, the Rio Grande forces soon precipitated a conflict between the State and Federal courts, greatly disparaging their case in the latter, where alone the points at issue could be determined. But in the extremity of their wrathful desperation, Palmer and his lieutenants, with ex-Governor A. C. Hunt, that whirlwind of energy and indiscretion in the lead, took measures to carry out their aims. They felt that the lease had been, and was being continually employed as an instrument for the commission of wrongs upon them through culpable mismanagement of their estate; that if continued as they were likely to be, would inevitably effect its ruin, not only through the far reaching schemes projected by Mr. Strong for cutting it off from its rightful trade territory, permitting it to run down, neglect of repairs and the assistance his company were rendering to the South Park line, but in his ulterior purpose of using it merely as a means of advancing the Santa Fé interest, to the exclusion of every other policy in conflict therewith. They saw many things which the general public did not see.

Notwithstanding the pressure brought to bear upon Governor Pitkin by the Santa Fé for the employment of State troops in the repression of disorders immediate and impending, he persistently refused to interfere with the civil authorities, except in the event of an actual outbreak, and then only through the sheriffs, leaving it to their discretion as to whether or not the military power should be invoked.

CHAPTER XVIII.

GENERAL PALMER'S CIRCULAR—CAUSES OF THE COLLISION—THE RIO GRANDE SEIZES THE ROAD—GREAT EXCITEMENT—GOVERNOR HUNT'S TRIUMPHAL MARCH—BLOOD-SHED AND CONFUSION—JUDGE HALLETT ORDERS RESTITUTION OF THE PROPERTY—FIGHTING AT PUEBLO—DE REMER'S FORTS IN THE GRAND CANON—COL. ELLSWORTH APPOINTED RECEIVER—THE LEASE CANCELED AND PEACE RESTORED—THE UNION PACIFIC AND KANSAS PACIFIC PRO-RATE WAR—A SHORT HISTORY OF THE KANSAS PACIFIC ROAD—JAY GOULD'S INGENIOUS OPERATIONS—CHAFFEE'S SPEECH IN THE SENATE—CONSOLIDATION OF THE PACIFIC ROADS—HOW GOULD TERRORIZED THE BOSTON MEN—ABSORPTION OF THE DENVER PACIFIC.

The next development in this interesting drama was an open circular from Gen. Palmer, setting forth the reasons that had impelled his company to take aggressive action against the lessees. Among them were declarations that they had assisted the South Park company to build its shorter line to Leadville, notwithstanding the refusal of the trustees of the Rio Grande bondholders to sanction a proposed contract to that effect; that individual members of the Santa Fé company had loaned the South Park money, and given it other evidences of encouragement; that the agreements of the lease had been frequently violated; that the road had not been kept in good repair; that rival companies had been organized; that a pooling arrangement had been made with the Union Pacific; that payments of rent had been irregular and various outrages had been committed.

Then came the actual collision and a crisis. Bowen, by his writs had directed the sheriffs of the several counties to take possession of the Rio Grande property, and they began to serve writs upon the officers and agents all along the line. From East Denver an organized posse marched to the general office on the West side, at an early hour in the

morning. Finding it locked and unoccupied, the doors were broken open and Rio Grande men placed in charge. Next, the round houses were seized. A passenger train was made up under the new auspices and sent southward. Postmaster Byers, in view of the alarming condition refused to send out the mails, telegraphed the Postmaster General for instructions, and was directed to send them by the usual means of conveyance, regardless of the parties in charge.

Meanwhile, Mr. Willard Teller appeared in the federal court and moved to quash Bowen's injunction. Many distinguished lawyers were present,—Judge Beckwith of Chicago, Judge Usher of St. Louis, G. B. Reed of Denver, and others eminent in the profession. It had become the most extraordinary cause ever brought into our courts, and one in which the masses of the people were interested. The excitement was unparalleled; war and rumors of war prevailed on every side. C. W. Wright, Attorney General, after argument upon Mr. Teller's motion, asked for a postponement, which was granted,—till next morning. Telegrams poured over the wires to the Governor's office. One from the sheriff at Pueblo was to the effect that an armed mob had seized the Denver & Rio Grande property there and resisted his efforts to dislodge them; he had exhausted peaceable means to that end, and felt that he must resort to force, but asked for instructions. The Governor responded that he must act within the strict commands of the court. It was not for him (Pitkin) to construe the legal effect of writs in the hands of sheriffs; they must act upon their own responsibility. Thrown upon his own resources, later in the day the sheriff, with a large posse, forced the doors of the train dispatcher's office. A number of shots were fired, but no one injured. About dark the same evening, ex-Governor Hunt arrived on the scene from the south, with a force of two hundred men. They had captured all the small stations on the line, bringing the agents away with them on a captured train. It was stated that two employes of the Santa Fé had been killed and a like number wounded. At Pueblo all was excitement and confusion, where Hunt swept everything before him. Having made things secure for the Rio



A. M. Rogers

Grande at this point, he advanced upon Cañon City. The telegraph lines and offices had been taken and Rio Grande operators installed at the instruments. The Santa Fé was practically helpless. The situation hourly became more and more critical.

At Colorado Springs Sheriff Becker took possession of the depot and turned it over to Palmer. A company of State cavalry there, preserved order.

On the 12th of June,—the events just narrated having occurred on the 11th,—Judge Hallett gave his decision. The application by the Santa Fé to transfer the injunctions by Bowen to the federal court was granted, and the writs virtually declared null and void. As to denying the right of the Santa Fé or any other foreign corporation to do business in Colorado upon proper compliance with its laws, such action could not be sustained. The State might inhibit a foreign corporation from doing business within its limits, but if such corporation came within the State, and acquired movable property therein, the State could not confiscate the same, whether it were a horse or a railroad. Judge Hallett was recklessly assailed by certain of the public journals, upon the ground of his prejudice against the Rio Grande; accused of ruling steadily against it in favor of its rival. But in the then heated condition of the public mind, the magnitude of the contest, the violence employed, the shedding of blood, the marching and turbulence of armed men, the thousand wild rumors floating about, and the intense hostility of the contending factions, the adherents of each party made unscrupulous use of every pretext, real or imaginary, that offered in support of its own cause, and in condemnation of the other, and the court did not escape.

On the 14th of June, Judge Bowen issued a decree placing the Rio Grande in the hands of a receiver, and appointed Mr. H. A. Risley of Colorado Springs, to execute the trust. The decision expected from Judge Hallett upon the later questions brought before him, was postponed for a few days until the papers in the case could be filed in the office of the District court at Del Norte.

On the 18th a report was sent up from Pueblo, that the Denver &

Rio Grande forces had erected a series of timber forts about the depot at that place, and garrisoned them with armed men. It was alleged also, that a reign of terror existed there; that the streets were filled with fighting men, and no one dared utter a word in favor of the Santa Fé without danger of being assaulted. Guards patrolled the mesa, and held all the outlets. Similar reports came from Trinidad and El Moro.

On the 23d the Federal court opened in Denver with Justices Miller and Hallett on the bench, ready for a decision in the matter of restoring the leased lines to the lessee. The opinion was by Hallett, Miller concurring. The decree was, that the property which had been unlawfully taken should be immediately restored, when, if the Rio Grande desired, it might institute proceedings for cancellation of the lease. In view of possible resistance to the order, Judge Miller took pains to announce with considerable emphasis, that the order of restitution must be obeyed, and that any attempt at resistance would prove disastrous to the parties engaged in it.

Respecting the prior right of way in the Arkansas Cañon under the decree of the Supreme court, the Rio Grande might take possession of the narrow part of the gorge by paying the Santa Fé the cost of its constructed line. Three days were allowed for the complete restoration of the road and property to the lessee. But Judge Usher asked for a stay of proceedings until the receivership question could be passed upon, which was granted. On the 3d of July, Justice Miller decided that the State court possessed authority to appoint a receiver, and that Mr. Risley had been legally appointed. The suit for foreclosure of the mortgage and for a receiver had been brought before Bowen by Mr. L. H. Meyer of New York, representing some of the bondholders. The Santa Fé entered a motion to discharge the receiver, which was overruled.

A few days later, after elaborate argument on both sides, the receiver was discharged. On the 14th the court ordered all proceedings stopped in the cañon pending examination and report by a commission of engineers. Mr. Risley was ordered to restore the

property within two days, and it was done. This order having been obeyed, Judge Usher made formal announcement of the fact to the court, and immediately thereafter filed a motion for an order to restrain the Santa Fé from operating the road, and for the appointment of a receiver to take charge and conduct its affairs, until the Rio Grande could be heard on its motion to annul the lease.

While these peaceful proceedings were being had in the temple of justice, fortifications were being erected in the Grand Cañon. Engineer De Remer, with fifty men, had stopped the Santa Fé graders at the limit of their twenty miles, declaring "thus far and no further shalt thou go." When asked by what authority he stopped them, De Remer answered, "By the decision of the United States Supreme court and these fifty men back of me." Wild scenes of violence were being enacted at Pueblo, through the wrath of the Rio Grande men who had been discharged under the order of restitution. They attacked the Santa Fé employes wherever found; engineers and firemen were pulled from their cabs and beaten; threatening notices were sent to the station agents, roustabouts and brakemen; pictured coffins, embellished with deaths' heads, daggers and cross-bones nailed upon their doors, with orders to get out or suffer the consequences. The authorities were powerless; noisy demonstrations occurred about the station, and at times blood flowed copiously.

On the 24th Judge Hallett announced his opinion upon Judge Usher's motion for the appointment of a receiver, granting the same, and appointing Col. L. C. Ellsworth of Denver to take charge of all the property, directing him to retain W. W. Borst as General Superintendent. The road was to be operated by order of the court until the termination of the causes then pending. Ellsworth accepted and assumed the duties. This result gave great satisfaction to the public, but especially to the merchants. The road was surrendered without delay. Mr. S. R. Ainslee was appointed general freight agent, Herman Silver, auditor and cashier.

Matters assumed a tranquility that for months had been unknown,

continuing until September (1879), when it was announced from Pueblo that chief engineer Robinson of the Santa Fé had received orders to commence locating a line from Pueblo to Denver. Later,—about the middle of the month,—it was reported that Jay Gould had purchased the Denver and Rio Grande, that he would at once compromise the difficulties and hasten the extension of the line by purchasing the Santa Fé grade in the cañon. That some arrangement had been made between Palmer and Gould is probable, but the Santa Fé refused to permit its execution. Nevertheless, it was announced on the 29th of September that Gould had bought one-half the stock, taking all the chances of litigation, the Gould and Palmer interests to be equally represented in the new board of directors, and funds to be supplied for extending the line to Leadville and south into New Mexico.

To determine the cost and value of the work done in the Grand Cañon, and to arrive at an equitable basis of settlement, Judge Hallett appointed Mr. A. N. Rogers of Gilpin County, George E. Gray of California (the choice of the Rio Grande party), and Sooeey Smith of Chicago (selected by the Atchison interest), a Board of Commissioners to advise the District and Circuit courts, whether there was room for another road, and to estimate the cost and value of the railway constructed wholly, or in part, from Cañon City to Leadville. They completed their examination and filed their report about the 20th of October, 1879. In their judgment it was entirely impracticable to construct two roads through the narrow part. The cost and value of the work done was estimated in detail, and on the 22d of November, this apparently interminable case made its reappearance in court. Judge Beck—with having retired from the side of the Santa Fé, Judge L. S. Dixon, for many years Chief-Justice of the Supreme court of Wisconsin, but then engaged in the practice of law, appeared for the first time in his place.

At the annual meeting of the Denver & Rio Grande company in Colorado Springs, November 28th, 1879, the Board of Directors chosen comprised Palmer, Bell, Gould, Russell Sage and C. F. Woerishoffer. A resolution was adopted confirming the action of the directorate in

providing for extensions of the several lines, and especially for an immediate extension to Leadville, also repudiating the lease and requiring the board to prosecute the Santa Fé for damages.

About the 20th of December, a pooling arrangement between the Union Pacific, Kansas Pacific and the Atchison, Topeka & Santa Fé was reported; all litigation between the latter and the Rio Grande to be terminated and the narrow gauge made the distributing road for all southern traffic.

January 2d, 1880, a decision was handed down in the Grand Cañon case to the following effect: That from the mouth of the cañon to the mouth of the South Arkansas River, the Rio Grande was to take and hold the prior right of way; that it might take the roadbed of the Santa Fé in that part by paying for it at the rate determined by the commissioners; when paid for, all injunctions and restraining orders to be dissolved and set aside, and the Pueblo & Arkansas Valley company was perpetually enjoined from interfering. From the South Arkansas to Leadville, the prior right belonged to the Santa Fé, or the Pueblo & Arkansas Valley, by reason of prior location. Mr. A. N. Rogers had been appointed a commissioner to ascertain and fix the points, compute the cost, etc. If the Rio Grande parties elected to take that part of the line they must deposit within sixty days, with the Chemical National bank of New York, the sum specified in Mr. Rogers' report, when they might take possession.

After listening to the decision, Judge Usher applied to be let into possession immediately, in order that his clients might proceed at once to push their road into the great mining district of Leadville, offering to give bonds in any amount. But the court answered that they must await the report of Commissioner Rogers. Judge McCrary, who sat for Judge Hallett, decided also to make an order granting an appeal to either or both parties.

Thus the matter stood until the 2d of February, 1880, when the Supreme court at Washington gave its opinion on the application of the Rio Grande for a writ of mandamus, to compel the Circuit court in Col-

orado to render a final decision in accordance with the mandate of the Supreme court issued at its previous term. The plea was that the Circuit court had failed to obey the order to place the Rio Grande in possession of its prior right of way. The motion was overruled.

Almost simultaneously with this opinion, the papers were being executed in Boston for a compromise and general settlement of all questions in dispute. An agreement was reached on this basis: The Rio Grande agreed not to build its contemplated line to El Paso, Texas, nor its proposed line eastward to St. Louis. The Santa Fé on its part, agreed not to build to Denver or Leadville. The Rio Grande was to complete its line to Leadville, paying for all work done in the cañon, and to retain possession of its road, the lease to be canceled and stocks exchanged; all litigation to cease. The amount to be paid for the Santa Fé roadbed was the original cost of the work, less the cost of litigation, and a bonus of \$400,000; Leadville and other southern traffic over the narrow gauge to eastern points to be delivered, one-half to the Santa Fé, and the other half to the Union Pacific; the Santa Fé to stop at Pueblo, with the right in reserve to build a line thirty-eight miles long to the coal mines on the Arkansas, where they should mine coal only for railway uses and for sale down the Arkansas Valley. The lease to be surrendered, and the receiver discharged. These negotiations having been concluded, the suits were withdrawn and the road turned over to Palmer. With funds to carry out its immediate purposes in the way of extensions, the Denver & Rio Grande resumed the regular order of business. Thus ended one of the most remarkable railway contests, of which history has any record.

The legal talent arrayed on either side, comprised the flower of the Colorado bar, with three eminent counselors from eastern cities,—Judges Usher, Beckwith and Dixon; Henry M. and Willard Teller, G. B. Reed, Thomas Macon, Charles E. Gast, Major E. L. Smith and G. G. Symes, all of whom the various intricacies and legal perplexities of this extraordinary contest kept constantly active and alert. I can recall no cause in our courts wherein so great a number of distinguished

attorneys were engaged, or in which so many really able arguments were presented. Having witnessed most of the proceedings, I speak wholly from personal observation. Among so many finished, eloquent and powerful forensic efforts, it is difficult to decide without danger of invidious comparison, which was the most pleasing and effective. One fact was apparent to all observers, that the utmost vigilance of the court and the attorneys for the Santa Fé, was required to hold Judge Usher in place. Right or wrong, he lost no opportunity for making a point in favor of his clients, and many of his points, more than those by any other attorney, were promptly overruled. Each possessed distinct characteristics peculiarly his own, whereby one might easily determine who was addressing the bench without seeing the speaker, by the style and manner, use of language, etc. Personally, I formed this opinion: That the keenness, force and logical power lay with the Tellers, Reed and Macon; the finished, elegant rhetoric which charmed by the refinement of style, and at the same time bristled with facts and ingenious handling of the issues, with Beckwith, Dixon, Smith and Gast.

To illustrate the rapidity with which the main line and its branches were constructed after the road came back to the Rio Grande company, the following notes are produced from the official reports of J. A. McMurtrie, chief engineer:

Work on the extension from Alamosa to Espinola, New Mexico, was begun February 20th, 1880, and completed December 31st of that year; the line through the Grand Cañon was finished to Leadville July 20th, 1880; the branch to Robinson, December 27th; to Rock Creek, near Red Cliff, in March, 1882; to Dillon, November, 1882, and to Grand Junction, December 19th, 1882; the branch from Del Norte to Wagon Wheel Gap, July 6th, 1883.

Mr. J. P. Mersereau was the first chief engineer of the road under Col. W. H. Greenwood, general manager. Mersereau resigned in 1872, when J. A. McMurtrie succeeded him as chief engineer, who held the position until 1884, when he became a contractor.

But the difficulty between the Rio Grande and the Santa Fé was

by no means the only railway emeute that provoked turmoil and occupied a large share of public attention, and that of the tribunals of justice. There were others which had their part in the exciting chronicles of this stormy period, before and after the era of completion and consolidation, to which we will now turn for such consideration as the facts may warrant.

The controversy between the Kansas Pacific and the Union Pacific companies over the pro rating arrangement* demanded by the former and strenuously resisted by the latter, prevailed until September, 1874, when Gould, Dillon, Ames, and other directors of the Union Pacific, and R. E. Carr, with T. F. Oakes, and other chiefs of the Kansas Pacific, held a conference on the 30th of that month in Denver, at which an agreement was concluded, a contract drawn and signed. At this meeting the principal matters in discussion were considered and the misunderstandings reconciled, in the interest of mutual co-operation. The beneficial effect upon every department of commerce was direct and immediate, but especially favorable to our trade with the Pacific States, with Chicago, St. Louis and the Atlantic seaboard. The principals in this compact, to secure a legal adjustment of their differences, agreed to make up a case for submission to the courts, and the lawful adjudication of their respective rights and obligations under the several acts of Congress relating to Pacific railways; neither company to present any technical objections for purposes of delay, and both to use their best endeavors to reach an early decision. Meanwhile, the arrangements agreed upon were to be carried into effect and continued until further notice. Col. Cyrus W. Fisher was appointed superintendent of the Kansas Pacific and Denver Pacific roads. The time made by passenger trains between Denver and Chicago under the revised schedule was reduced to sixty hours. It is now thirty-four to thirty-six.

Jay Gould secured a controlling interest in the Union Pacific road in 1873, by the purchase of 100,000 shares of its capital stock. Sub-

* For beginning see Chapter IV, this volume.

sequent purchases increased his holding to 200,000 shares. As the history of Mr. Gould's connection with this road had an important bearing for some years upon the course of railway traffic west of the Missouri River, and a supreme influence in our affairs, a rapid resume of that connection will be interesting. For part of the material facts, reference is had to the very complete report of the United States Railway Commission, appointed by act of Congress of March 3d, 1887.

The inception of the Kansas Pacific road lay in the organization of the Pawnee & Western Railway company which applied to Congress for a land grant. Its interests were subsequently transferred to Fremont and Hallett, who transferred in turn to the Kansas Pacific Railway company. The original corporators proposed to make the city of Leavenworth the initial point, but lack of enterprise by the capitalists of that place, who rested secure in the belief that the road would be started from that point anyhow, caused them to decline the overtures for material aid, so the projectors went to Kansas City, where the demand was promptly accepted, and in the subsequent construction of the road, Leavenworth was sorely punished for her delinquency by being left on a distant side track.

In 1865 the name was changed to the Union Pacific, Eastern Division. The act of Congress of 1862 gave this corporation authority to construct a line from Kansas City, westwardly and form a junction with the Union Pacific on the one hundredth meridian. The original scheme contemplated a Pacific road commencing on the meridian just named, where the various corporations, starting from different points, should converge. By Section 14, of a later act, the Union Pacific itself began at a point on the western boundary of the State of Iowa, fixed by the President of the United States.

In 1862 Iowa had no railway completed within two hundred miles of the Missouri River, the only line from the North to that turbid stream being the Hannibal & St. Joe. The advantage whereby the States of Iowa and Nebraska acquired, the one the initial point, and the other the actual starting point of the Pacific Railway, was the work

of the Iowa delegation in Congress, who secured the right to build a branch from the western boundary of their State to connect with the Pacific road about 250 miles from the starting point, and it was to have the same rights and privileges as the Kansas Pacific in that connection. Congress fixed the starting point of the Pacific road at the one hundredth meridian, or western boundary of Kansas, simply because it could not charter a railway through a State, but Nebraska being a Territory, the movement made by the Iowa people secured by appropriate legislation the location of the main line through that Territory.

Congress willingly encouraged the proposed construction of a series of roads from the river westward. By authority of the act of July 3d, 1866, the eastern division changed its route to connect at or near Denver. The work began in 1865, and by the close of 1868, 400 miles had been put in operation. The government subsidy ended at 393 miles west of Kansas City. The remainder of its construction history up to 1870-'71, is set forth in our first volume.

According to the report of the railway commissioners, the total gross traffic of the Kansas Pacific road from 1867 to 1879 inclusive,

Amounted to.....	\$41,645,174.22
Operating expenses.....	32,424,956.12

Net earnings over operating expenses, 13 years.. \$9,220,218.10

But after deducting bond and interest account, and accrued interest to the government, there remained a deficit of \$11,330,772.42. The road became hopelessly insolvent in 1873, and a year later went into the hands of Henry Villard and C. S. Greeley, receivers, where it remained some years.

In April, 1875, a convention of the principal directors in the Union Pacific and Kansas Pacific roads was held in Philadelphia, with a view to perfecting arrangements for the consolidation with the two main lines, of the Colorado Central, Denver Pacific and the Boulder Valley roads. The announcement of this result shortly afterward, caused a sharp advance of Kansas Pacific shares. The Union Pacific agreed to merge

its Colorado Central into the Kansas Pacific, and in compensation was to receive \$10,000,000 of consolidated stock. The old directors retired and were succeeded by Sidney Dillon, Jay Gould, James D. Smith, Oliver Ames and others, of the Union Pacific. The combination was to enjoy all the Colorado traffic, while the Kansas Pacific relinquished its demand for a pro rate, and to all New Mexican business that did not naturally strike in its direction. It was this arrangement which incited Mr. Loveland and his coadjutors to seize, hold and operate the Colorado Central road in 1876, as set forth in the succeeding chapter.

As one of the results of the embargo placed upon the trade of Colorado with the Pacific States, whence was derived our supply of domestic fruits, our merchants were compelled to endure the most outrageous extortions and discriminations. Witness the following: The rate on fruits, by the car of 20,000 pounds from California to New York, over the Union Pacific road and its connections, was \$656; to Chicago, \$500; to Omaha, \$425, and to Denver, \$515.

The rate from California via the Central Pacific to Ogden (516 miles), was \$178 per car; from Ogden to Cheyenne, \$247, and from Cheyenne to Denver (106 miles), \$90, thus piling up the charges on a single car of California fruit at the point of delivery in this city, to \$515. This is but a fair example of the robberies committed by the Union Pacific, a road that was built with the money of the people, taken out of the public treasury for their advantage and benefit, a large part of which, by the way, was deliberately stolen, and the road made an instrument of oppression.

The scheme of consolidation having miscarried by the resolute action of the Colorado stockholders, the business of the country settled back to the old grinding and exasperating conditions. There was no prospect of relief in any direction. At length, however, the Union Pacific, determined on crushing out both roads, the Kansas Pacific and Denver Pacific, made its plans for the extension of the Colorado Central from Longmont to Cheyenne. Then the Denver Pacific people began to comprehend the effect of such a project upon that property. It

would not only be destroyed as an artery of commerce, but the Union Pacific, in addition to continuing the embargo against our Western trade via the Kansas Pacific, would secure and control the Colorado business in and out. The Denver Pacific was in the hands of a receiver,—D. M. Edgerton. Our merchants viewing the situation with alarm, urged a compromise on any terms the Union Pacific might demand, but it was too late. On the 27th of June, 1877, a conference was held between the commissioners of Arapahoe County, which held a million of stock in the road, and the receiver and officers of the Denver Pacific, to discover what might be done to rescue the property from destruction. The commissioners had already commenced an action in the United States court for a temporary injunction and the appointment of a receiver, and to obtain an accounting with the Kansas Pacific company on an allegation that a majority of the trustees of the Denver Pacific company had been committing frauds, and thus deprived the company of funds which rightly belonged to it. Among other things, they demanded that the road should be managed for its own benefit, regardless of the Kansas Pacific to which it had been tied; that reasonable freight and passenger tariffs for local and through traffic should be adopted instead of the extortions that had been practiced, and that close connections, instead of no connection at all, should be made with the Union Pacific at Cheyenne, so as to encourage and not impede communication; that the main offices of the company be kept in Denver instead of at Kansas City; that the earnings be applied to operating expenses, and the surplus to the payment of interest on its bonds, and finally, that the disastrous contentions between its managers and those of the Union Pacific be brought to an end. These demands were formulated and sent to the Kansas Pacific directors at St. Louis, and they assented to them. Edgerton went before the County Commissioners and informed them that their protocol had been accepted and all their desires conceded to be just and proper. Governor Evans, one of the trustees of the Denver Pacific bondholders, being present, did not agree to the proposition, because, in his opinion, it would not accomplish the object in view. The suit in

court should be pushed to its conclusion. He wanted an accounting for the funds which it was alleged had been misapplied. Furthermore, if the compromise were intended to dissuade the Union Pacific from its purpose to build to Cheyenne, it would fail, because he had talked with Gould and Dillon and found them unalterably determined to build that line. The delay in coming to an agreement had exhausted their patience, and they would now force the issue. Mr. D. H. Moffat, treasurer of the Denver Pacific, however, still believing that the matter could be amicably arranged, persuaded the commissioners to agree to withdraw their suit. But it was of no avail. Gould and Dillon entered almost immediately upon the prosecution of their design, and the road was built.

In the meantime, Jerome B. Chaffee had been elected to the Senate. His first effort in the way of legislation for Colorado was a masterly arrangement of all the facts relating to the question of pro rate between the Kansas Pacific and the Union Pacific roads. When in order they were presented in a speech of great power, which not only attracted the attention of the ablest men in that body, but proved the beginning of a final settlement of the whole question. He submitted facts and figures to prove that the Union Pacific road, which had been built with the funds of the government at an enormous profit to the company, instead of answering the purpose of its creation, had been made an instrument for merciless extortions, solely for the profit of its managers and principal stockholders. He demonstrated by an array of unanswerable evidence that it was being used to vex, annoy and rob the people; that it had set up a gigantic monopoly out of which by skillful manipulation and the most outrageous exactions it had made \$23,000,000 in constructing the road and great profits by operating it at the expense of the public. His speech was prefaced by the following preamble and resolution:

WHEREAS, Congress did provide in the act of July 1st, 1862, being an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean;" and also by the subsequent acts of July 2d, 1864, March 3d, 1869, and June 20th, 1874, amendatory thereof, that said road and branches should

be operated and used for all purposes of communication, travel and transportation, so far as the public and government are concerned, as one connected and continuous line without discrimination of any kind in favor of the business of any or either of said companies, or adverse to the road or business of any or either of the others, and upon such basis and contract with the said railroad company and its branches did grant to the Union Pacific Railroad company and branch companies large subsidies in bonds and lands of the United States, all for the purpose of aiding in the construction of said roads to be operated as aforesaid; and

WHEREAS, It is alleged that the said Union Pacific Railroad company and its branch companies, being the Kansas Pacific, the Denver Pacific, the Central Pacific of California, the Burlington and Missouri River company, and the Sioux City branch, have heretofore neglected, and still do neglect and refuse to operate their roads in accordance with said acts of Congress, but have heretofore operated, and still do operate them in open violation of the same; and

WHEREAS, It is alleged, that by reason of said defaults and on account of the same, the government of the United States and the public have been, and are still being damaged and deprived of their just and lawful rights and privileges as stipulated, defined and agreed upon in said acts; therefore, be it

Resolved, That the President of the United States be and he is hereby requested to inform the Senate what legal impediments, if any, exist which prevent him from executing said laws in accordance with the obligations accepted, and agreements made by said Union Pacific Railroad company and branches with the United States, as stipulated and agreed upon in the several acts aforesaid.

The speech and resolution, and the attention attracted to the subject, together with Chaffee's well known energy in fighting out his battles, spread consternation among the Union Pacific syndicates, and at once brought the new Senator into great prominence. Poppleton, the attorney of the railway company, apprehending the effect, telegraphed from Omaha to have action upon Chaffee's resolution postponed for a short time, pending a decision upon the points in controversy by Judge Dillon. The Senators from Nebraska offered substitutes, both modifying, and, in effect, destroying the principal points raised by Mr. Chaffee. Senator Thurman of Ohio became the leading champion of the original resolution, and made a lengthy argument in its support, claiming that Congress had a right under the power of its acts to make the Union Pacific pro rate with every road that

tapped it, no matter by what authority it was built. He quoted and analyzed the laws, especially that of 1874, which declared that the Denver Pacific should be considered a part of the Kansas branch, and made it a penal offence for the officers of the Union Pacific not to treat it as a branch, giving the injured party the right to bring an action in the courts for damages in case of such refusal. He believed in compelling the Pacific road by all the power of the government, if need be, to pro rate with the Kansas line, and to acknowledge it as a branch road.

The resolution went to the President, who referred it to the Secretary of the Interior, and he to the Attorney General, to examine and report the facts and the law on the subject. By the force of these proceedings it became manifest that the Union Pacific would be compelled to obey the law. Toward the last of December, 1877, orders were issued to cease charging prohibitory rates east and west of Cheyenne, and return to reasonable tariffs. On the 14th of April, 1878, Mr. Chaffee made another speech on the Pacific Railroad bill, exposing still further, the ruinous effects of the discriminations practiced on local traffic.

At the election of directors for the Kansas Pacific held at Lawrence, May 2d, 1878, Dillon, Ames and Gould were chosen, which indicated that a compromise had been reached, and also an early consolidation of the roads. Soon afterward the Kit Carson branch to West Las Animas was sold at public auction, and the rails taken up. On the 22d of October, Sylvester T. Smith was appointed receiver of the Kansas Pacific by Judge Foster. Mr. Smith had been connected with it from its inception, most of the time as auditor. Under his management the road was practically rebuilt and put in good order.

March 7th, 1879, the Union Pacific assumed control, and Smith was discharged as receiver, June 4th. The manner in which Gould and his confederates obtained possession is thus defined by the report of the railway commissioners heretofore referred to. In 1877, the company being in desperate straits, and to prevent a foreclosure, issued a funding mortgage amounting to \$1,500,000, to pay its defaulted coupons. Denver Pacific stock amounting to 29,979 shares, was trans-

ferred with other securities, to the trustees of that mortgage. At this time the securities of the road were selling at very low prices. The company was badly involved in debt, and engaged in an expensive war with the Union Pacific in its efforts to compel a pro rate, therefore, Gould and his associates, having undoubtedly conceived a scheme for the absorption of the property at a mere nominal cost, began to purchase these securities in a quiet way. In this manner several million dollars worth of the stock, income bonds, Denver extension bonds, funding bonds, etc., etc., were collected. Their scheme being perfected in 1878, they began preparations for the reorganization of the Kansas Pacific and Denver Pacific companies on this plan :

A committee was to be formed to hold the securities of the company which should be delivered to it at certain agreed rates for the stock, and different classes of bonds. The interests of the various parties in this pool, which were represented by the reduced figures of the par value of their securities, multiplied by the agreed factor for reduction, were to be liquidated by the issue of new stock, dollar for dollar, in such amounts as to equal the reduced values. The scheme applied to all the stock and securities of the company except the debt to the government, and the first mortgage bonds, which equaled it in amount, and the Denver extension bonds. The effect of this agreement was to reduce a total of stock and bonds amounting to \$17,330,350 to the sum of \$4,855,300.

Reorganized upon this basis, the Kansas Pacific company would have had a bonded indebtedness of \$18,848,000 representing the first mortgage bonds and the government lien, and \$4,855,300 of stock. In 1879 Gould bought out the St. Louis parties, which gave him control of the road. Dillon was made president and a general change of officers occurred. Immediately afterward the scheme for the reduction of the Kansas Pacific securities was dropped and another substituted, whereby it was proposed to retire the outstanding securities and defaulted coupons by means of a general consolidated mortgage, under which the outstanding bonds and coupons were to be commuted at the same rates

as in the agreement of April 24th, 1878. No provision was made for the stock. Meanwhile, Gould had sold out the larger part of his Union Pacific stock. The consolidation of the two roads took place a short time after.

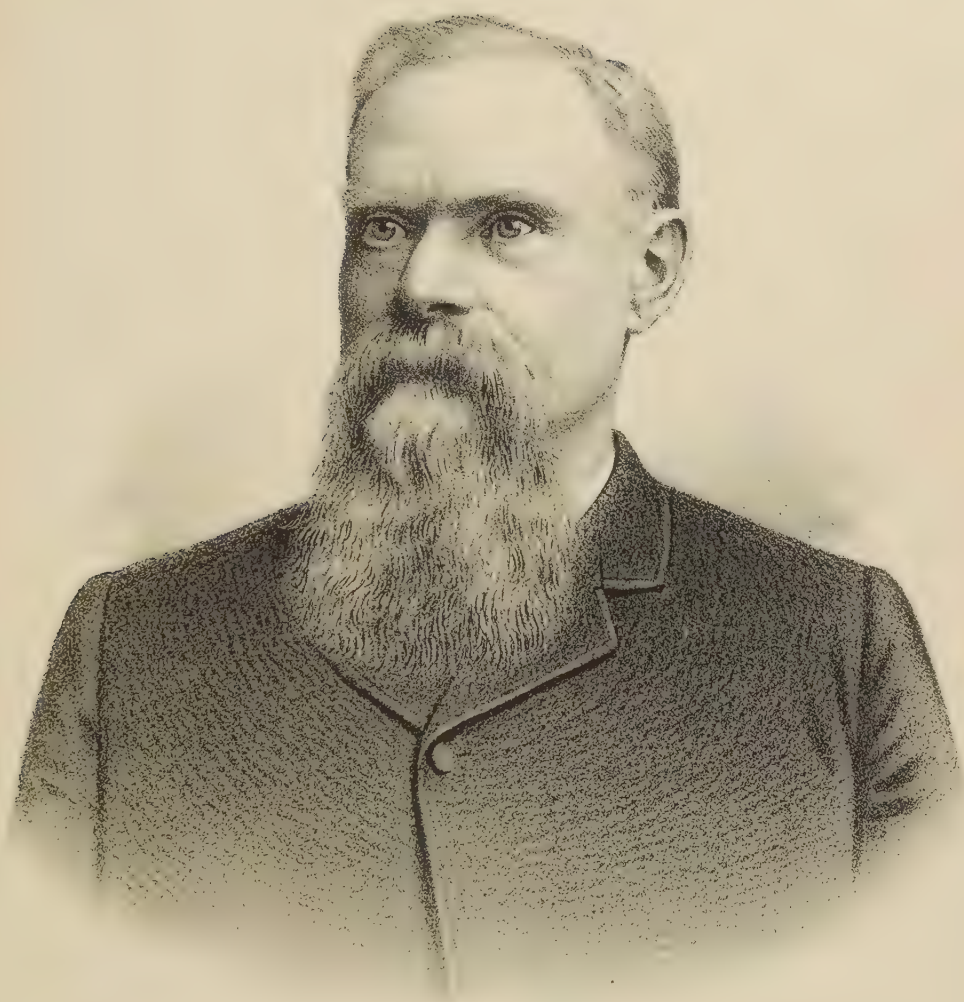
Gould managed the Denver Pacific stock in the following manner: This stock was held, as already mentioned, by the trustees of the funding mortgage used to extricate the Kansas Pacific from its financial difficulties. After the substitution of the consolidated mortgage of May, 1879, the funding bonds all held by Gould and his partners were converted under the terms of that mortgage, and the 29,979 shares of Denver Pacific were assigned to the trustees of the consolidated mortgage.

This exceedingly ingenious project did not reach fruition, however, owing to a breach between Gould and his Boston associates, in regard to terms. Gould, to revenge himself upon them, and to demonstrate to their beclouded minds the magnificent sweep of his genius and power, took the first train for Kansas, and in a few days purchased the Missouri Pacific road from St. Louis to Kansas City, paying \$3,000,000 therefor; also a controlling interest in the Kansas Central, the Central Branch of the Union Pacific from Atchison about fifty miles north of the Kansas Pacific, and westerly on a parallel with the Kansas Pacific for one hundred miles. This interest also included the control of five small branch roads connecting with the Central branch. He already controlled the Kansas Pacific. His plan was to construct a Pacific railroad from St. Louis to the Pacific Ocean, by extending the Kansas Pacific through the Loveland Pass above Georgetown to Salt Lake, and thence to San Francisco by a traffic arrangement with the Central Pacific, with the ultimate design of wrecking the Union Pacific, which effect he was confident would be produced. Having with wonderful celerity and force accomplished his principal aims, he gave the entire scheme to the public in the most ostentatious manner possible. Say the commissioners, "Its effect on the Boston directors, were it not for the magnitude of the interests involved, would appear almost ludicrous. They appear to

have been, one and all, terror-stricken." At all events, they came speedily, and, it would seem, abjectly humble to the terms proposed by Gould for the act of consolidation. They were compelled to accept Kansas Pacific stock as manipulated by him, as the equal, dollar for dollar, of the Union Pacific stock. He was master absolute of the situation, and made his arrangements with full knowledge of his power to do as he pleased with the rebellious directors. The agreement when drawn, was promptly signed.

"A singular feature of this extraordinary transaction," says the report, "is that a small percentage of all the bonds and stocks of these branch lines had been taken from Mr. Gould by all the parties to this agreement at the same prices which he himself had paid. The result was, that when he had terrified them into submission to the general terms of the consolidation, and the minor subject arose of fixing the terms on which he should dispose of branch lines and connections (purchased by him at extravagant rates with the intention of effecting his transcontinental scheme, but which, after the consolidation he no longer desired to hold) he had so arranged their personal interests, that when the adjustment of these terms became a matter of discussion, all of these trustees and directors had been placed in such a position that a concession of good terms to Mr. Gould himself would automatically result in a large profit to the other directors agreeing to the terms proposed."

The ultimate effect of this agreement was to make the Union Pacific company assume all the stock of the Kansas Pacific and the Denver Pacific, and "all of their bonded debt and obligations of every nature." He conceived and executed the ingenious device whereby "the intended consolidated company was provided with stock for the purpose of paying to Mr. Gould and his associates the agreed prices for the branch lines' securities. The agreement contained the following clause: The Denver Pacific capital, now an asset of the Kansas Pacific, to be used after conversion into Union Pacific railway stock, to pay for



J. B. Crocker

shares and bonds of St. Joseph and Western railroad company, and St. Joseph bridge, as hereafter stated, and for other purposes.

"This stock had no value whatever, except as controlling the connection between Denver and Cheyenne. It was held by Jay Gould and Russell Sage as trustees of the Kansas Pacific consolidated mortgage, for the protection of the bonds issued under that mortgage. It would certainly have puzzled a convention of lawyers to have devised a method by which this stock, so held on the 14th of January, 1880, could have been applied within ten days thereafter to the purposes intended by the agreement quoted, and yet this extraordinary feat was performed. A suit was manufactured, in which the Kansas Pacific Railroad company was made the plaintiff, and Jay Gould and Russell Sage the defendants, and the entire machinery of complaint, answer, trial, decree and execution was carried to a finish by the 23d day of the same month."

Gould held in addition 10,000 shares of stock, bought for ten cents on the dollar from the commissioners of Arapahoe County, which he delivered to the Kansas Pacific company at the cost price. All the Denver Pacific stock acquired as above, was put into the trust, and the consolidation took place on the 24th of January, 1880. It increased the stock of the Union Pacific from \$36,668,000 to \$50,668,000, and the bonded indebtedness from \$88,471,285.23 to \$126,818,046.09, and the miscellaneous indebtedness from \$4,072,854 to \$9,677,018.

The scheme set forth above, was regarded as scarcely less than infamous by certain of the original stock and bondholders, and while several attempts were made to bring the perpetrators to justice, they resulted in failure. Certain extensions and branch lines being necessary under this arrangement, new stock to the amount of \$10,000,000 was issued, the Julesburg line built, and the South Park pushed to completion and subsequently absorbed (November, 1880), when the whole was transferred by Gould to the Union Pacific, thereby greatly increasing its burdens. In 1883 this wily operator closed out his connection with the Union Pacific by a characteristic device of unloading at large profits to himself and his partner, Mr. Sage, and subsequently

acquired the southwestern system of roads to which he now holds. From this time forward the Union Pacific has been engaged in an incessant struggle with debt and aggressive competition, and has many times been near the verge of bankruptcy.

On the 2d of April, 1878, Judge Hallett appointed George W. Clayton and D. M. Edgerton receivers of the Denver Pacific Railroad and telegraph companies, at the suit of the commissioners of Arapahoe County. The board, as stated elsewhere, became alarmed lest the violent contentions and rivalries existing between the Kansas Pacific and the Union Pacific companies, in which the Colorado Central became an important agent of destruction to the business of the Denver road, should destroy it altogether. Hence, the commissioners determined to place the property in which the people held a large interest, under the protection of the federal court. Mr. Clayton was one of the wealthiest and most reputable of our citizens. Mr. Edgerton was then president of the Kansas Pacific.

On the 10th of August, 1869, the Denver Pacific company had executed a mortgage to J. E. Thompson, Adolphus Meier and John Evans, covering all its property, including the land grant. As already defined, the Kansas Pacific secured the control, and in its management virtually destroyed it. On the 6th of January following, Judge Hallett discharged receiver Edgerton, but retained Mr. Clayton, to whom full charge under orders of the court was given. At the annual meeting of the stockholders of the company held May 5th, 1879, the following directors were chosen: Jay Gould, John D. Perry, C. S. Greeley, Sidney Dillon, D. H. Moffat, W. S. Cheesman, Freeman B. Crocker, John P. Devereaux and D. M. Edgerton. The latter was elected President, D. H. Moffat Vice-President and Treasurer, R. R. McCormick Secretary. The reader need not be told the effect of this introduction of Gould and Dillon, and others, after what has been related. It meant the absorption by the Union Pacific of the road in question, to be used as might suit them to use it. On the 27th of May, 1879, Gould came out to inspect the South Park road, then completed to Kenosha Hill,

and thereafter became an important factor in that enterprise also. On the 16th of July, Justice Miller rendered a decision in the Denver Pacific suit, discharging receiver Clayton, and turning the property over to Messrs. Evans and Dulman, trustees for the bondholders. In August, Gould purchased a majority of the first mortgage bonds of the road, and assumed control September 29th, 1879. On the 28th of October, Gould purchased, through W. S. Cheesman, the stock held by Arapahoe County, in the Denver Pacific and South Park roads. The board of commissioners, after a full and definite understanding with Mr. Cheesman, agreed to sell to Gould and the Denver & South Park Construction company, the stock held by the county in both roads, at ten per cent. of par value for the Denver Pacific, and fifty per cent. of par value for the South Park, subject to ratification by a vote of the people at an election to be called for the purpose, which was subsequently accomplished December 2d, 1879. Gould accepting the terms, the road fell into his hands, and afterward became a part of the Union Pacific, Omaha Short line. The stock was transferred by Freeman B. Crocker, chairman of the board, and the proceeds, \$250,000, invested in four per cent. United States bonds, for the benefit of the county.

CHAPTER XIX.

THE COLORADO CENTRAL RAILROAD—LOVELAND SEIZES THE ROAD AND SUCCESSFULLY HOLDS IT—HOW IT WAS ACCOMPLISHED—DESTRUCTIVE STORMS AND FLOODS—D. H. MOFFAT APPOINTED RECEIVER—FORCIBLE ABDUCTION OF JUDGE STONE—CARRIED INTO THE MOUNTAINS BY MASKED MEN—ALARMING RUMORS—TROOPS CALLED OUT—MOFFAT'S NARROW ESCAPE—STONE'S EXPERIENCE WITH HIS CAPTORS—EXTENSION OF THE ROAD TO FORT COLLINS AND CHEYENNE.

In 1863, W. A. H. Loveland and E. B. Smith of Golden, resolved to construct a wagon road in the direction of the gold mines of Gilpin County, via the Cañon of Vasquez Fork, or Clear Creek. After an expenditure of about fifty thousand dollars, which well nigh exhausted their resources, it was completed to the foot of Guy Gulch, about six miles from Golden. From the time of his first location at Golden, Mr. Loveland had kept constantly in mind the importance and the feasibility of an iron road to the mines by this route, and he clung to the idea with unfaltering tenacity. He went before the legislature of 1865, of which he was a member, and secured a charter, the incorporators named in the bill being Henry M. Teller, John T. Lynch, John A. Nye, W. A. H. Loveland, Thomas Mason, A. Gilbert, Milo Lee and Enos K. Baxter, of Colorado, with the names of several capitalists residing in eastern cities. This charter has been quite fully defined in the first volume of this history, and need not be repeated here. In the summer of 1865, Edward L. Berthoud made a careful survey of the route, Mr. Loveland bearing the cost. The road was first intended to be of standard gauge, as very little was then known of any other gauge, but when the estimates were formulated, it was found that the expense would be too great unless it could be made a part of the Pacific Railway, then being actively con-

sidered. In January, 1866, Berthoud suggested the feasibility of a narrow gauge road, and it was taken under advisement, though nothing further transpired until the Pacific surveys approached the Rocky Mountains, when its practicability was again brought forward. On the 10th of April, 1870, Berthoud located and staked the present mountain division of the Colorado Central. In September, 1871, the Union Pacific interest in Colorado contemplated a connection with the trans-continental line at Pine Bluffs, 134 miles east. It was discussed for a year or so, and then abandoned for a better line to Julesburg. Grading upon the line was commenced in September, 1872, and completed to Longmont, April 17th, 1873, when it was stopped by the disastrous financial panic of that year.

Reverting back to the completion of the first division of the Colorado Central, from Golden to Denver, in 1870, it may be stated that, owing to the great hostility of the projectors to Denver, they refused to enter the latter place by a direct line, hence they built to the mouth of Clear Creek, whence their trains were switched in over the rails of the Denver Pacific, an awkward, inconvenient and expensive arrangement. After some years of operation in this manner, the company, toward the last of October, 1874, decided to change to a more direct route, the survey for which left the original line near Mr. Yule's house, three and a half miles nearly due northwest of the old Rio Grande depot, near which its new station was afterward established. The correction of this error saved the company about two miles of distance, and rendered it wholly independent of the Denver Pacific.

We now take up an important chapter of history. For some time in 1875 there had been reports of negotiations on the part of the Kansas Pacific, for the purchase of a controlling interest in, and a consolidation of the Colorado Central with that road. Such negotiations were brought forward at a meeting of the directors held in Golden, December 8th, 1875, at which President Teller offered a resolution to the effect that the company accept the proposition of Robert E. Carr to purchase the stock of the said company held by residents of Colorado, at twenty per cent.

of their par value, payable in the bonds of Boulder and Gilpin Counties at par, and it was adopted. Mr. Teller then submitted another resolution, ratifying an agreement made between the Kansas Pacific and Union Pacific Railroads, April 23d, 1875, to consolidate the Colorado Central with the Kansas Pacific, and this also was adopted. This was the first intimation Mr. Loveland had received in distinct form of the purpose to carry out the proposed consolidation, but it being a director's meeting which he could not control, he simply acquiesced for the present and bided his time.

The movement coming to the knowledge of the citizens of Boulder County, they rose up in rebellion against the arrangement, refusing to surrender the stock which that county held in exchange for the bonds it had issued. They had made searching inquiry into the financial affairs of the company, and found reason to believe that its stock had no value whatever. They averred also, that the Colorado Central company had neglected to fulfill the terms of its contract, made when the bonds were voted. Matters ran along for some time without further difficulty of sufficient importance to be recited here.

On the 18th of May, 1876, the stockholders held a meeting at Golden for the election of directors, and such other business as might come before them. At this meeting some rather extraordinary proceedings were had. While the representatives of the stock were entirely harmonious, no clouds appearing upon the surface of their deliberations, which were quietly conducted, the result of their secretly pre-arranged programme proved very disastrous to the majority interest held by E. W. Rollins for the Union Pacific. It was, in the first instance, an absolute rejection by the three counties of Gilpin, Jefferson and Boulder of the agreement of consolidation, which had been adopted by the directors in December, 1875, and the substitution of an entirely different scheme, involving an entire change of management and control. The record of the proceedings showed that the meeting was held pursuant to call of President Teller. He being absent, Mr. W. A. H. Loveland was called to the chair. For the election of directors for the ensuing year,

Messrs. John C. Hummel, E. L. Berthoud and Oren H. Henry were chosen inspectors of the vote. The shares and proxies were turned over to them and a recess taken to afford them opportunity to examine and report upon the same. Having performed their duties, and the stockholders having cast their ballots for eleven directors, the inspectors, after canvassing the same, presented their report in writing.

Mr. E. H. Rollins, treasurer of the Union Pacific company, had sent a proxy to E. W. Rollins, his son, who was treasurer of the Colorado Central, to vote 7,200 shares of the stock of the company. This proxy was declared by the inspectors to be illegal and void, therefore it was thrown out, as also another proxy issued by Mr. J. W. Gannett. The canvass of the vote made under these conditions gave the following directors for the ensuing year: Joseph A. Thatcher, Thomas I. Richman, Oren H. Henry, John C. Hummel, Edward L. Berthoud, Wm. A. H. Loveland, Charles C. Welch, Gilbert N. Belcher, John H. Wells, John Turck, and Oliver Ames, the latter being the only Union Pacific representative chosen.

The report of the inspectors was received, ratified and confirmed by vote. The stockholders then adjourned, to meet again at 2 o'clock. At the adjourned meeting Mr. E. W. Rollins offered a resolution to the effect that the action of the inspectors in throwing out the proxies of the Union Pacific company, and in receiving votes for directors whose names did not appear on the stock list as certified by the secretary of the company, was wrong and illegal, and that the directors so chosen do not lawfully hold their seats as directors of the Colorado Central Company. This was put to vote and rejected.

Then Mr. John H. Wells of Boulder offered one that was immediately adopted: "That all and every vote, resolution, contract or agreement heretofore made or entered into by the board of directors, executive committee or stockholders of the Colorado Central Railroad company with the Kansas Pacific Railroad company, looking to a consolidation of the two companies, is and are hereby rescinded, revoked and declared null and void." Mr. Rollins entered a formal protest in

writing against the casting out of the Union Pacific stock, which, without further action, was read and recorded.

To fortify themselves for the work in hand, and to cut loose from entangling alliances, Mr. Wells offered certain amendments to the by-laws, transferring the principal offices of the company to Golden, and making that place its permanent general headquarters and home office; directing also that all books, papers, the seal, etc., etc., should be kept in said office, and providing that all meetings of the stockholders and directors be held there. Mr. Berthoud was made the custodian of all certificates of proxy or powers of attorney of the stockholders which had been presented at that meeting, with orders to hold them subject to the direction of the directors that day elected.

This, it will be observed, constituted a very fair day's work for the newly fledged stockholders and directors, and also that their plans had been conceived with exceeding shrewdness, very adroitly and daringly executed. But this was not all they did. The programme found its completion for that session at least, in the election of the following officers :

President and General Manager.—W. A. H. Loveland of Golden.

Vice-President.—John H. Wells of Longmont.

Secretary.—Edward L. Berthoud of Golden.

Treasurer.—John C. Hummel of Longmont.

Superintendent.—Oren H. Henry of Boulder.

Auditor (chosen subsequently)—Foster Nichols of Central City.

A review of the foregoing shows that E. W. Rollins was, undeniably, the authorized agent or representative of the Union Pacific stock, and of several individual shareholders who had delivered their proxies to him. For the former he held 7,200 shares. His proxy was sufficient and reasonably legal, though lacking some technical formalities, or would have been so considered under any other circumstances than those which in this case governed the inspectors of the election. It was signed by E. H. Rollins, Treasurer, and had been prepared by authority of the executive committee of that company, but there was no certified form attached. The Union Pacific people evidently believed

that the proxy was in legal form, but they neglected to adopt a resolution authorizing E. H. Rollins to convey to his son power to cast the vote, and it was of this negligence that the new regime took advantage. These shares constituted a majority of all the stock of the road, the whole issue being 13,300 shares. Mr. Rollins also represented by proxy 2,100 shares belonging to his father, and certain others belonging to Oliver Ames, F. Gordon Dexter and H. M. Teller. Only the Union Pacific shares were rejected; the others were voted and counted. But they cut no figure in the result. To qualify Messrs. Thatcher, Richman, Wells and Hummel to act as directors, a few shares of stock were transferred to them.

Immediately after the election and installation of the new management, an injunction was obtained, restraining the representatives of the Colorado Central from turning over any property to the Kansas Pacific, and the latter from receiving any such property, and prohibiting either company from taking any steps whatever looking to consolidation. Next, Mr. Loveland, by virtue of his office of general manager, issued orders requiring all officers, agents and employes to recognize and report to the new administration. This circular awakened Mr. Teller's ire, and he immediately gave instructions that neither officers nor agents should pay any attention to the usurpers. Mr. Henry made formal demand upon Col. Cyrus W. Fisher, superintendent under the old regime, for possession of the road. Mr. Fisher refused. Hummel made a like application to Mr. Moffat, treasurer, for a transfer of the funds in his hands, which was likewise denied. As a matter of fact, Mr. Moffat had no funds belonging to the company in his possession, as its account had been overdrawn. These matters coming to the public ear, caused some commotion, but no excitement; this was to come later, and with startling emphasis. It soon became an open secret that the new management fully intended taking possession and operating the road, even if it had to be secured by forcible measures. Without multiplying words, it took possession on Sunday, May 21st, 1876. Loveland had laid his plans to seize the books of the secretary and treasurer,

the repair shops and round houses, at a certain hour on that day, and had instructed his subordinates accordingly. Mr. J. W. Nesmith (now president of the Colorado Iron Works, Denver) had charge of the shops as master mechanic. He had been informed by Loveland that when the road was to be taken, he (Nesmith) would be notified. Berthoud had been directed to take the secretary and treasurer's books, offices and other property at 4 o'clock on Sunday afternoon. James Scott had orders to seize the shops and roundhouse; C. S. Abbott, master of transportation, was to look after the rolling stock. As related to me by Mr. Loveland: "I remained at my private office in town until fifteen minutes to 4 o'clock. Mr. E. W. Rollins was with me. I said to him, 'Let us go over to the depot and see the trains come in.' On my way I stopped at Mr. Nesmith's residence and said to him, 'I am now on my way to take the road.' Rollins ran to the shops, Nesmith following. As the latter unlocked and opened the doors, Jim Scott, who had been concealed near by, slipped in behind and took the property. Berthoud executed his instructions to the letter at the same moment. As the trains arrived, Henry and Abbott stepped to the engineers and trainmen, apprised them of the situation, and gave them the option to obey Loveland's orders or leave. Those who refused were discharged and paid. In less than thirty minutes from the time the signal was given, the Colorado Central was in my hands."

The most remarkable rainstorm since 1864, occurred on the 22d. It began with snow in the mountains, falling to the depths of two to three feet in Gilpin and Clear Creek Counties, and extending with great severity far out upon the plains in torrents of rain. Cherry Creek, Clear Creek and the Platte, all streams in its track, were filled with rushing waters, which created unparalleled havoc among railways and bridges. Telegraph lines went down, road beds were swept away and all trains stopped. The Rio Grande and the Colorado Central suffered great destruction. Superintendent Henry was compelled to meet heavy disasters to the line of which he had only the day previous taken charge. The company had no money, and but little credit. The Kansas Pacific

managers during the time they had been in control, had stripped it of bridge timbers, ties, poles, etc. Nevertheless, in an incredibly short time the damage had been repaired, and all trains put in motion.

Shortly after, the Union Pacific began suit against the company on a claim of \$1,500,000, representing its floating debts mainly for material, supplies and interest on the bonds. Its attorney obtained an injunction from Judge Amherst W. Stone of the Second Judicial District, first against any increase of the capital stock, and second, against the sale or other disposal of the property, and against making any traffic contracts with, or the leasing to any other road, and filed a motion for the appointment of a receiver. Still these proceedings failed to deter, or in any way interrupt the Loveland management. The cause came on for hearing at Boulder, July 15th, was argued and taken under advisement. On the 12th of August, the application for a receiver was granted, and D. H. Moffat, Jr., appointed. He was required to qualify in open court on the 15th, with sureties in the sum of \$500,000. This action was intended to give Mr. Moffat possession of the property, yet he failed to secure it. Loveland, though momentarily checked, had ample resources in reserve. And now came the climax to this highly interesting record with a force that shook the State, exceeding for its brief duration, any of the surprises growing out of the contest between the Rio Grande and the Santa Fé.

Pending the final execution of Judge Stone's decree appointing a receiver, Mr. Moffat prepared his bond and was to have appeared in court with his sureties on a certain day, when all proceedings were brought to a sensational conclusion under circumstances now to be related. Squads of armed men, masked and otherwise disguised, operating in the interest of the Colorado management, but whether by its orders or acquiescence has never been made public, and is known only to the principal actors in this surprising drama, secreted themselves at a point on the Colorado Central road near the crossing of Ralston Creek, and awaited the train from Denver which was expected to bear Receiver Moffat, his sureties, Judge Stone, all the attorneys in the case, and a

number of other passengers. Mr. Moffat's party, however, went by the Boulder Valley road, and thus escaped participation in the proceedings which followed. About noon that day there came a wild report by telegraph that the Colorado Central train had been stopped, Judge Stone seized and carried off into the mountains, to what fate none could tell. Of course a thousand extravagant rumors caused widespread excitement and alarm. Visions of horrible murder floated through the minds of many, for it was a very common belief that the Judge would be assassinated in cold blood by his abductors. The ominous tidings spread to all points reached by wire. It was known that the feeling against Stone and his recent decisions was extremely bitter in Boulder and Jefferson Counties, and that threats of violence had been uttered when he appointed Mr. Moffat receiver. The term of court would expire at midnight of that day, and it was clearly the intention of the kidnappers to detain the Judge, if they refrained from killing him, until the lapse of the term, and thus prevent the execution of his decrees. While citizens of Jefferson, Boulder and Gilpin rejoiced over this extraordinary turn of events, in Denver it was denounced as an unwarranted outrage. The sheriff of Boulder, instead of proceeding to intercept and apprehend the outlaws as he should have done, telegraphed Governor Routt for authority to raise fifty men for the rescue. The Executive answered that the law gave him ample authority to call a posse to his aid in executing a writ, and commanded him to pursue the party and liberate the captive jurist. One of the remarkable incidents of the day, as viewed by the people of Denver, was the laconic correspondence by wire between Loveland and the Governor. The former sent a dispatch stating that C. S. Abbott, master of transportation, had advised him of the forcible seizure of Judge Stone, and asked to be empowered to send thirty men to arrest the parties engaged in this unlawful transaction. Routt responded, "Have your sheriff procure a writ for the arrest of the kidnappers. He is authorized by law to summon a posse large enough to execute a writ if it takes every man in your county. Hope you will give him all the assistance in

your power." Loveland replied that he would aid the sheriff to the utmost of his ability, and would put a force of men on the trail by 4 o'clock.

These delays, as will be seen, since no one left in pursuit from any direction until late in the afternoon, gave the captors abundant time to make their escape. D. J. Cook, sheriff of Arapahoe County, ordered out one or two companies of troops; numberless volunteers offered their services for a field in which there was no great probability of carnage. The motley crowd flocked to the depot, armed with all sorts of weapons; shotguns, pistols, muskets, sabres, carbines, anything that could be gathered in the excitement and confusion which prevailed.

The Governor's Guard, admirably armed and disciplined, appeared under command of Captain (afterward Brigadier General) A. H. Jones, a brave man and a superb officer. Capt. E. J. Burke of the Mitchell Guard was only able to gather a small squad of his command. The uproar increased as the day wore on. While some of the more imaginative were confident that the court had been slain, drawn, quartered or burnt at the stake, the more rational quickly penetrated the actual purpose, which, when accomplished, would result in the return of the captive to his family and friends.

In the meantime Mr. Moffat's special train returned to Denver. As the witnesses of the capture reappeared in town, the following accounts of the affair were related: At a point about six miles north of Ralston Creek, the train was stopped by an obstruction on the track. When it came to a halt, a body of masked men arose from their place of concealment. Three of them entered the car, and approaching Judge Stone, the leader said: "Come with me, I want you." The Judge expostulated, which soon brought a second masquerader to the spot who, more imperative than the first, thrust a revolver in his face and sternly commanded him to leave his seat and follow. At this juncture General Sam E. Browne, one of the attorneys present, rushed forward, exclaiming, "Gentlemen, what are you doing? You surely don't intend to disgrace yourselves in this manner. At this," said Browne,

"one of them stuck a pistol in my face with the sharp command, 'Sam Browne, you sit down!' and I sat." They then forcibly seized the Judge and lifted him off the train. In retreating, the abductors covered the passengers with their pistols and as rapidly as possible disappeared in the direction of the mountains. They gave assurances, however, that there need be no apprehension for the Judge's safety, as no bodily harm would be done. The maskers inquired for Mr. Moffat, but were told that he had gone by another route, at which they seemed disappointed, as they had planned to take him also.

Here is another, and perhaps more accurate version, given by Hon. Hugh Butler: "One man entered the car and ordered the Judge to come with him. The Judge replied that he had business in Boulder and could not comply with the request. This was repeated several times, when a second man stepped up, and putting the muzzle of his revolver to the Judge's face, said, 'I guess you'll come with me!' Still Mr. Stone refused to yield, when they seized and dragged him from the car. I attempted to follow, but was stopped by a pistol, with the savage remark that the first man who interfered would be shot."

In commenting upon the event public opinion differed widely. Loveland was universally known as the originator and father of the Colorado Central system of railways; as an energetic, enterprising and public-spirited man. Though engaged in a patriotic endeavor to build up the town of Golden, which he had been instrumental in founding, and in the pursuit of this ambition was frequently brought into sharp collision with the builders of Denver, the people of this city entertained high regard for him personally, even while resisting and thwarting his aggressive schemes. In promoting public enterprises he spared neither capital nor effort, but in the unequal warfare he was finally stranded, wrecked and impoverished. The capitalists of the Union Pacific, when they took possession of the valuable franchises which he had labored so long and assiduously to procure, and of the lines which he had surveyed at his own expense, snubbed, ignored and set him aside, when they should have employed and compensated him as their most



A. W. Brazee

effective agent. He did more to found and complete the road than any other agency, but had less influence with the directing powers.

When the attempt to consolidate the road with the Kansas Pacific was made, which meant the absorption of the former, with all the consequences, financial and otherwise, involved in the compact, Loveland and his supporters discovered that they were to be frozen out. Therefore, they devised the scheme which gave them possession of the property, with the result stated. Finding themselves likely to be driven to the wall by Judge Stone's decision, they took heroic measures, overrode the law, carried off the court, and only missed the receiver by a scratch.

Governor Routt immediately resolved that the violent proceedings taken must not be permitted to defeat the ends of justice. He therefore directed Judge A. W. Brazee to reopen the court at Boulder and hold it open until the causes before it should be legally terminated. A special train was placed at his disposal, the Executive summoned the Governor's Guard, and thus prepared for any emergency the, court the Governor and the military reached Boulder shortly before ten o'clock that night, marching directly to the courthouse, where Judge Brazee was quickly installed on the bench. The building was closely guarded by the troops, though there was no evidence of any hostile demonstration, or of any intention to interfere with the regular course of law. The sheriff opened court in the usual form, when Brazee read the order of the Governor assigning him to that district, with instructions to continue the term which had been interrupted. This document having been filed with the clerk, and the necessary orders issued, court adjourned to the next day at two o'clock. The Governor then addressed the sheriff, saying,—“In answer to your request of this date for authority to raise a posse, I have to inform you that General D. J. Cook is here with forty men subject to your request for assistance, and I now command you to do your duty; and if you need a thousand men they will be placed at your service.”

Many citizens in paying their respects to the head of the government, deprecated what had been done during the day. They realized the disgrace to their county and its law abiding people, and tendered him their aid if required. While many were opposed to Judge Stone's decisions, and especially pronounced in condemnation of Mr. Moffat's appointment, under the impression that it was intended as an act of hostility to their interests, they nevertheless denounced the resort to force. The night passed without incident. The special train returned to Denver about midnight, bearing Judge Brazee, the Governor and the troops, Gen. Cook remaining on guard.

On the morning of the 16th Judge Stone was brought back to his hotel in Denver, and gave the following account of his experiences :

On being taken from the train he was placed in a carriage, the leader of the armed party being seated beside him. There were twenty-four men, all mounted on fine horses, all masked and some otherwise disguised. He was treated with all respect, courtesy and kindness, and every assurance given that he would suffer neither harm nor indignity at their hands. He was merely to be detained in custody for a few hours pending the lapse of the court. They informed him also, that mounted men had been stationed on both roads; that they waited in concealment throughout the previous night, and had he escaped capture on the train, they would have taken him from the bench or wherever else he might be found. They were resolved to prevent the operation of the Colorado Central Railroad by Eastern people, but further than this they had no interest. On leaving the train they crossed the prairie toward the mountains, finally taking a trail that led into the foothills, which they followed about six miles to a ranch, where a bucket of milk and some other supplies were obtained. Here they abandoned the carriage, giving him a fine saddle horse for the remainder of the journey, to a beautiful grass covered park, when all dismounted and lunched. No disagreeable incident occurred; his guardians were inclined to be good humored and sociable. At no time were the masks removed. He was treated with great civility, and every want supplied. After luncheon

the ride was prolonged to a lofty eminence, from which Denver and the entire Platte Valley could be seen. Here the cavalcade rested until dark, when they descended slowly toward the Golden Road to Black Hawk, which was followed to the neighborhood of the town first named. Here, all except the leader and his prisoner disappeared, saying they would send a carriage for the Judge. When it arrived some time later, it contained two men heavily masked, who rode with him to the door of his hotel (the Alvord), bade him good-night, and drove away.

Next day the Judge took an escort provided by the Governor, consisting of the Governor's Guard, Mitchell Guard, and a detachment of scouts under deputy W. A. Smith, and returned to Boulder. But as events proved, these ostentatious military precautions were both wholly unnecessary and exasperating to the sensitive feelings of the people, who declared that the court would have been safe without any guard at all. Seated once more upon the woolsack amid perfect peace and quiet, the case of Frederick L. Ames and John R. Duff vs. the Colorado Central Railroad, was called. Mr. Moffat's bond, signed by Jerome B. Chaffee, Walter S. Cheesman, William M. Clayton, Richard E. Whitsitt, William H. Lessig, Fred Z. Salomon and Leonard H. Eicholtz, who were present and jointly justified in sum of \$750,000, was submitted and approved, and the principal duly sworn into office. Mr. George D. Reynolds of Boulder was appointed special master to enforce the orders of the court.

The first paroxysms of wrath against the court and the receiver having passed, the humiliating consequences of the rash act became painfully apparent to the better class of citizens. Yet they were enraged at the presence of the military, as an imputation upon their loyalty, as if they were a community of rebels against the constituted authorities and the laws. But worse than all, the troops were from Denver, the center of opposition to the cause with which all were in sympathy. The Governor exerted himself to pacify and remove harsh feelings, by explaining why the troops had been called, but with only indifferent success. Boulder County did not readily forgive him, as was shown in the first State election when he was a candidate for Governor.

But time heals all wounds, and in time the stirring events enacted there were forgotten.

Mr. Moffat's demand for possession of the road was not complied with. On the 18th further sensational reports obtained circulation, renewing the excitement, and threatening further violence. It was rumored that the Kansas Pacific had raised an armed force to take the property out of Loveland's hands. Such a force was actually sent out on the road to Golden, but finding the people there prepared to meet and try conclusions with them, they abandoned the attempt and retreated.

On the 21st Judge Stone issued a writ of assistance to Master Reynolds, but it could not be enforced. Affairs proceeded without incident of importance until the 24th of August (1876), when Mr. A. J. Poppleton, attorney for the Union Pacific, published a lengthy review of the case, stating that no road had been built under Loveland's charter until certain capitalists of Boston had been induced to embark their money in the enterprise. Loveland made it a condition that they should pay himself and associates \$100,000 for the right of way held by their wagon road, in Clear Creek Cañon; that they paid it, and in due time the railway was completed at a cost of \$2,500,000. To this amount the counties of Gilpin, Jefferson and Boulder had contributed \$400,000, in county bonds which, at the time of their issue, were worth about fifty cents on the dollar. The counties had received stock in exchange as per agreement. Loveland and his associates had subscribed for and received about three hundred shares of stock. The entire value of the bonds and subscriptions did not exceed \$250,000. The balance of the funds was furnished by the Boston men. He reviewed the proceedings of the meeting, when E. W. Rollins, who represented the majority interest, was denied the right to vote the shares assigned to him for that purpose. The ostensible reason was that the Union Pacific had entered into a contract whereby the Colorado Central was to be consolidated with the Kansas Pacific, which would defeat the original purpose of the Colorado Central organization, and fail to give the county subscribers adequate returns for the investments they had made. "And yet,"

says Poppleton, "at the date of the pretended election of May 18th, the execution of the consolidation agreement had been enjoined by Judge Stone and the counties had been offered their own price for their stock. The Boston parties, enraged at the confiscation of their property, entered suit for a foreclosure of the mortgage and the appointment of a receiver. So long as the road was in the hands of capitalists, holders of the securities were content to wait for its development for the payment of interest and principal, but when it was forcibly seized they took measures to protect themselves from loss."

After the abduction of Judge Stone, Poppleton came out as the representative of the trustees for the bondholders and holders of the floating debt, and on the 21st of June began the suit. Prior to this, however, he called on Mr. Loveland and informed that gentleman that he had full power to adjust the entire controversy by the purchase of the county stock, and proposed to do so at the prices that had been agreed upon. Loveland asked for time to consult the counties, but Poppleton apprehending treachery, refused, and at once instituted proceedings as mentioned above. Negotiations were continued after this, but without effect.

The State having been admitted into the Union, a motion was filed to transfer the cause to the United States court, but Judge Dillon's decision on this point left it in the First District court, Judge Wm. E. Beck presiding. On the 17th of November argument was had before Judge Dillon at Omaha on a motion to docket the case, and for an order on the United States Marshal for the District of Colorado to put the receiver appointed by Judge Stone in possession of the road and property. Judge Dillon denied the motion to docket, giving a lengthy opinion. On the 9th of December Mr. Poppleton presented to the Circuit court at Denver the full record of the case, when Judge Dundy, who presided, resolved to enter it upon the docket, denying a motion to remand to Judge Beck's court, but allowing the defendants an appeal. In February, 1877, the cause came up again on a motion to strike it from the docket and remand

to the proper State court, and it was allowed, whereupon the plaintiffs appealed to the Supreme court of the United States.

On the 17th of February, 1877, the Union Pacific Railroad company entered suit for \$2,000,000 for iron, engines, material, etc., furnished by them, and for damage to the shares of their stock, on the ground that Loveland was wrecking the road. They compelled him to give a bond of \$500,000, which, to their surprise he soon furnished, and went on operating the road as before. A short time afterward he went to Boston, and after a lengthy conference with the Union Pacific people, succeeded in negotiating a peaceful issue out of the trials and tribulations. It was then arranged as one of the solutions of the difficulties in the way of business for the road, since the Union Pacific was engaged in a fierce dispute with the Kansas Pacific over the matter of pro rating, that the Colorado Central standard gauge should be extended from Longmont to Cheyenne. All suits were to be withdrawn and the matters between the old and new managements amicably adjusted; Loveland to continue in charge and to build the proposed extensions. The mountain division was to be pushed on from Floyd Hill to Georgetown, and the terminus at Black Hawk removed to Central City.

Toward the latter part of June, 1877, the company made its arrangements for moving northward, having in view a connecting line from Cheyenne to the Black Hills of Dakota, provided the county of Laramie, Wyoming, would vote \$150,000 in bonds. Mr. E. L. Berthoud surveyed a line, and the bonds were voted, but the road was not constructed. Meanwhile, preliminary arrangements for the Longmont extension progressed, the survey was made, and the right of way secured. Work began July 20th, at Longmont. On Saturday, July 21st, the first rail was laid at Hazard Station on the Union Pacific road five miles west of Cheyenne. The Floyd Hill branch was finished to Georgetown and opened to traffic August 14th, 1877, and that from Black Hawk to Central May 21st, 1878.

The Cheyenne or Hazard extension was completed to Longmont on Sunday, November 4th, 1877, and the line formally opened on the

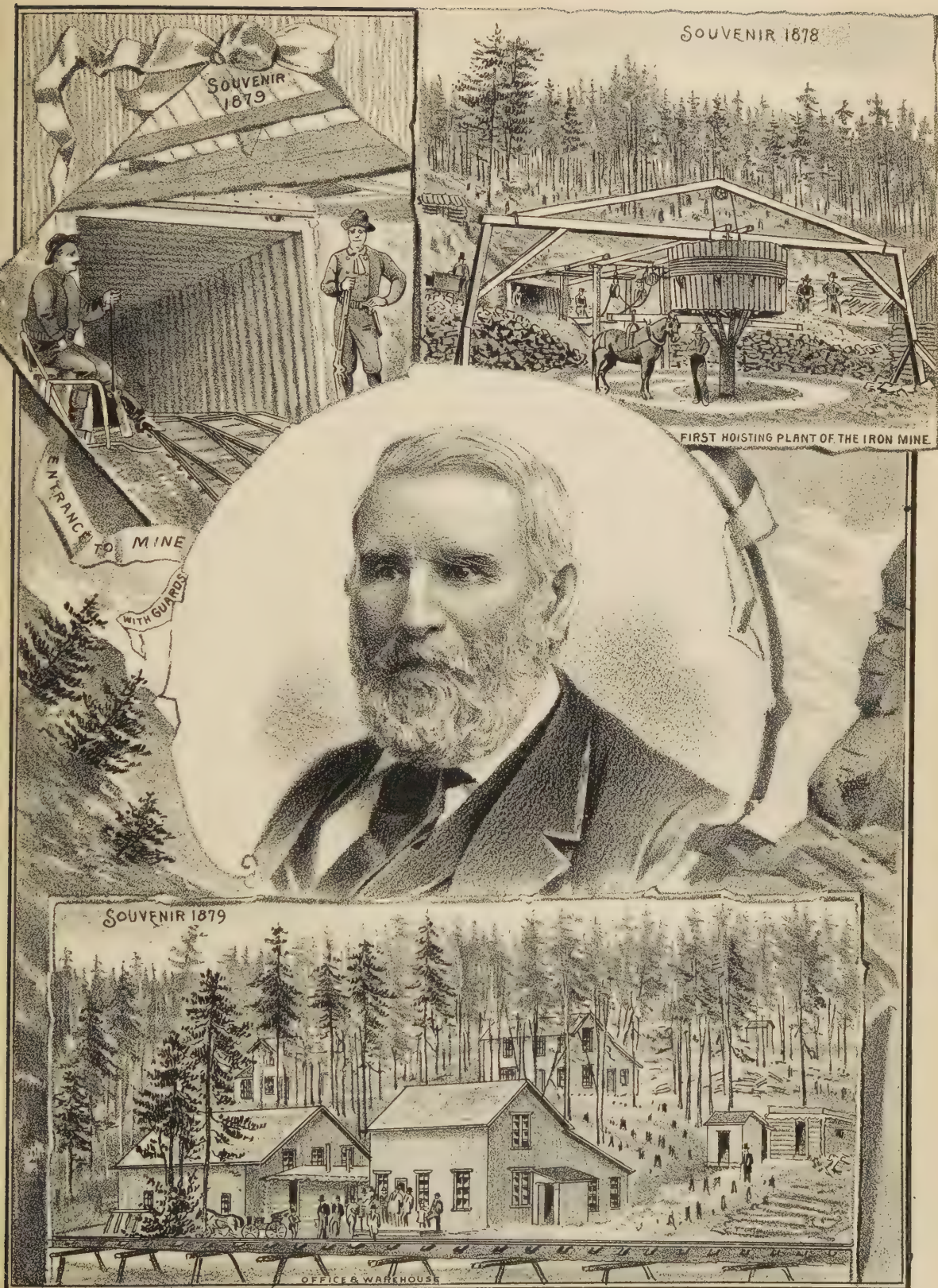
7th. By the construction of this line the Union Pacific gained an entrance to the chief centers of trade in Northern Colorado, despite all the efforts of the Kansas Pacific and Denver Pacific to keep it out. It will be remembered that in the first negotiations for the construction of the Denver Pacific, the Union Pacific directors and some of the principal stockholders entered into a contract to iron and equip the road. This contract was never carried out, but the road having been completed by the aid of the Kansas Pacific, was a few years later absorbed by the latter, and made its connection with the main trunk at Cheyenne. Immediately afterward arose the question of pro rating; which has been very fully considered in preceding chapters. The opening of the new line provoked a lively contest for the Colorado business, between the Iowa pooled lines and the Southwestern combination via Kansas City, the Kansas Pacific and the Atchison, Topeka and Santa Fé. The Union Pacific coalesced with the Omaha pool, to divert all northern business for Colorado over its line. This resulted in cut rates and a general war, but it was of short duration, when all went into a tripartite contract whose chief purpose was to squeeze and bleed the traffic of Colorado to the last extremity, a system of heartless extortions that prevailed until the combination was broken in 1888 by the completion of the Denver, Texas & Fort Worth road.

The new board of directors, chosen by the Colorado Central company in December, 1877, continued Loveland's management and retained the Colorado power in the board. It was composed of Jay Gould and Sidney Dillon of New York, F. L. Ames of Boston, with C. C. Welch, John Turck, O. H. Henry, Thomas I. Richman, J. C. Hummel, H. M. Teller, W. A. H. Loveland and E. L. Berthoud of Colorado. From the day the road was seized by Loveland, notwithstanding wash-outs and other disasters it became profitable, and was paying large returns when finally surrendered to the Union Pacific. When Leadville came forward as the greatest mining region of the State, Mr. Loveland proposed the extension of the Georgetown branch across the mountains to that point which would have made it the shorter line, hence would

have controlled the principal part of the trade, but Governor Evans and Gen. Palmer put an effectual stop to the scheme.

Soon after the election of directors named above, Gould demanded an advance in freight tariffs, and in spite of all protests from the local managers it was made, causing universal dissatisfaction. As a matter of fact, the rates were nearly doubled on all consignments from Denver, with the manifest intention of forcing the mountain merchants to purchase in Chicago and give the Union Pacific the full advantage of the long haul from the Missouri River. Rates on machinery and castings made in Denver, for example, were advanced from forty-eight to ninety-six cents per hundred, and the tariff on ores from the mines to the smelters in Denver from \$5.50 to \$12 per ton. Naturally enough, a vociferous outcry against these extortions came from every side.

The Colorado Central was merged into, and made an integral part of the Union Pacific system, by a fifty year lease executed in November, 1879. S. H. H. Clark, superintendent of the former lines, took charge of the entire combination, which practically deposed Loveland and his aids.



IRON MINE VIEWS, FROM PHOTOGRAPHS TAKEN IN 1878.

CHAPTER XX.

PRIMITIVE RECORDS OF LAKE COUNTY—TWO GREAT EPOCHS—ORGANIZATION UNDER THE TERRITORY—GULCH MINING—DISCOVERY OF THE PRINTER BOY—ORIGINAL DISCOVERY OF CARBONATES—STEVENS AND WOOD—THE IRON SILVER MINES—OTHER IMPORTANT DISCOVERIES—THE DAWN OF LEADVILLE—GREAT MINES AND THEIR PRODUCTS—OPENING FRYER HILL—TABOR, RISCHÉ AND HOOK—THE ROBERT E. LEE—GOVERNOR ROUTT FINDS HIS FORTUNE—W. S. WARD AND THE EVENING STAR.

The occupation of the broad open valley watered by the Upper Arkansas, by white men, dates no further back than 1859-'60, but for centuries prior to the discovery of precious metals there, it was a favorite resort, and possibly the secure hiding place of large bands of Indians, whose camping grounds were observed and described by Lieut. Pike in 1806. It was there that James Pursley, unquestionably the first American to enter these solitudes, claimed to have discovered a nugget of gold in 1802. Though somewhat apochryphal, it is the first statement we have of the finding of precious metal in any of the wildernesses of the Rocky Mountains, excepting the nebulous record left by Don Juan de Oñate, who, in 1595, reported the existence of gold in the San Luis Valley. If the evidence is of any value, the counties of Conejos and Lake are fairly entitled to such measure of distinction as may be afforded by these traces of antiquity or precedence.

From the date of Pike's midwinter exploration of the sources of the Arkansas River, down to the time of Col. Fauntleroy's great battle with the savages in 1853, fully set forth in our first volume, the region was only occasionally visited by hunters and trappers, for, as may well be imagined, it was extremely perilous for any other than red men to make even a brief lodgement there, or in any of the tributary valleys. The

discovery of great treasures in 1859-'60, caused the initial movement in the important chain of events that peopled, prospered and developed the Territory, and, in due course, by further wonderful revelations of mineral wealth occurring at the close of the Territorial period, means were provided for the stupendous advances made by the State. The golden yields of California Gulch proved the chief incentive for the attraction of multitudes in 1860, for until then, excepting the small areas worked in Gregory, Russell and Boulder districts, no remarkable deposits had been found. The excitement caused by the discoveries in Tarryall, in Georgia and neighboring placers, and on the Upper Arkansas, indicated such a wide distribution of precious metal, as to justify the expectation that there would be room enough and gold enough for all the marching thousands, and that the prestige which had once crowned California and Australia would be equaled, if not eclipsed, on the slopes and in the valleys of the Rocky Mountains.

The annals of Lake County have been marked by two striking epochs,—first the enormous inpouring of a miscellaneous population and the incidental outpouring of gold from 1860 to 1865, and second, the disclosure of immense deposits of carbonate of lead ores in 1874. The first was of brief duration; the second is likely to be permanent. The county was organized and its boundaries prescribed by the Territorial legislature of 1861. The original board of commissioners consisted of Capt. Breece, Alexander McPherson and William Snyder. The mines were extremely productive for three years, by which time the cream of the harvest had been taken by the first locators and their assigns, although considerable amounts were obtained each successive season until 1870, when it was found essential to enlarge the water supply, and this necessitated the construction of a large canal, some twelve miles in length, from the sources of the principal stream to the placers, a project involving great labor and expense.

The Printer Boy lode, discovered in 1861, and operated by the imperfect methods of that early period, gave, in the course of time, some extraordinary returns. It was situated near Oro City. In 1868, large

bodies of decomposed quartz, soft and porous, were found, carrying great masses of free gold in nuggets, bunches of fantastically formed and matted wires, and beautiful crystallizations. Many large glass jars, such as are seen upon the shelves of drugstores, were filled with these remarkable specimens, and exhibited, first at the national banks in Denver, and subsequently in Philadelphia and New York, where they excited much admiration, and, for a time, revived the interest of speculators in the mines of Colorado. The owner and manager of this property, Mr. J. Marshall Paul, a Philadelphian, realized handsome returns from the rude desultory workings while the rich pay streak held out, and figured quite prominently in Territorial politics. Mr. Charles L. Hill, an experienced miner, who acquired his education in Gilpin County, and subsequently managed the affairs of some of the noted mines about Leadville, was at one time superintendent of the Printer Boy. Though much prospecting was done to develop other mines of like character, none succeeded.

The Homestake, situated near the head waters of the Tennessee fork of the Arkansas, opened in 1871, gave such promise of great resources as to induce the erection of a smelter at Malta in 1877.

The current of affairs proceeded peacefully for some years with only an occasional conflict between the settlers and certain bands of stock thieves who preyed upon their flocks and herds, and who, when pursued, took refuge in the fastnesses of the mountains. In one or two of these collisions some bloody work was done, a number of persons on both sides being killed, and others severely wounded. Then began to appear the light of an amazing revelation which signaled the dawn of Leadville, the preface to a series of disclosures that blessed the land with plenty, awakened the liveliest attention of the world to the opulence of rich mineral buried beneath the porphyritic crust of the surrounding hills, and exalted by an almost magical uplifting the dormant energies of the people, by providing unlimited abundance of material wherewith to develop the mighty aggregations of natural resources, lavishly distributed through the mountains and plains.

The pioneer discoverer of the Leadville mines, or at least the first to bring them to the attention of mankind by effectual demonstration of their nature and value, was W. H. Stevens, a man of remarkable intelligence and possessing broad, practical views of the subjects of mining and mineralogy, which had been made the chief studies of his life. These were his constant themes; indeed, he thought of little else. His enthusiasm over the apparently boundless resources of the region, was expressed wherever listeners could be found. It has been popularly assumed that the discovery of carbonate of lead ores in California Gulch was merely accidental, but Mr. Stevens always insisted that it was the result of well directed scientific investigation. "For," said he in 1879, "I worked intelligently, and was almost as sure of the result then as I am now. I am not a chance, haphazard miner, but believe in the application of science in prospecting, as fully as in the treatment of the mineral after it has been found." He had been forty years a miner, pursuing his primary lessons to ultimate matriculation in the copper deposits of Lake Superior, prosecuting his studies of the rocks, veins, mineralogical and metallurgical conditions; probing the deeper secrets with his mind, while devoting his brawn and muscle to the material workings. Thus he advanced by degrees to an employer and contractor, and in a few years accumulated a fortune. His first visit to Colorado occurred during the gold excitement of 1864; its object being to examine and report upon certain properties in Gilpin County, at the request of Philadelphia capitalists who had been urged to make some investments there. A year later he made a cursory examination of California Gulch. According to his lifelong habit, to visit a mineral bearing region was to search it thoroughly. In 1872, when the Little Emma and Cottonwood districts of Utah were attracting thousands to Salt Lake, he was sent out by capitalists to discover what opportunities might be presented for quick returns upon money invested in that region. Returning to Colorado, he entered the South Park, located at Alma, and began mining on Mount Bross.

In the summer of 1873 he made a second examination of California

Gulch, collecting many specimens of rock and analyzing them. Other expeditions to the same region caused him to become more and more interested in what he found there. Comparing the geological formations with those he had observed in the mineral divisions of Utah and Montana, he discovered a close similarity between them, and felt that something greater than had yet been disclosed would be brought to light by patient seeking. Respecting the deposits of gold, he reasoned, as did all the miners, that they must have been eroded from some mighty fissure, or a series of them, then deeply buried under vegetable mold, and that by the employment of a great force of water under hydraulic application, the surface earth might be washed away and the bedded rocks exposed, when the search for veins could be easily conducted, and at the same time uncover new deposits of placer gold. At this period only about twenty miners were operating claims in the gulch, and they were engaged in constructing a ditch and flume to bring in more water for sluicing. Stevens purchased their claims and ditch right. These placer locations covered a part of the present site of Leadville. He secured patents to them in the usual form, knowing the insecurity and harassments attending mere possessory titles.

A condensed account of his further operations has been furnished me by Mr. S. S. Robinson, manager of the Iron Silver Mining company, from which it appears that in 1874 some eastern capitalists, by the advice of Mr. Stevens, organized the "Oro Ditch and Fluming company," and began constructing a canal from the Arkansas River, near the mouth of Bird's-Eye Gulch, to California and Georgia Gulches, to facilitate the washing of gold from the sands of those placers and the grounds adjacent, by the addition of later improved methods. The original plan contemplated applying the hydraulic process to the ground now covered by the southwestern half of the city of Leadville.

The ditch and flumes were completed in 1875, and the work of sluicing begun. During the progress of this enterprise Mr. Stevens had associated with himself as an assistant, Mr. Alvinus B. Wood of Ann Arbor, Mich. Each possessed a general knowledge of geology,

mineralogy and metallurgy. As they proceeded they heard from the gulch miners many complaints about the heavy porphyry, heavy spar and sand that troubled them in their gold washing, and were shown samples of those materials. Both were men who, when shown a specimen of mineral that was new or curious, could not rest satisfied until its character had been determined. Analysis of the heavy mineral proved it to be a rich carbonate of lead, carrying silver, properly a silver ore. This discovery prompted Stevens and Wood to trace it to its primary base in the rocks above.

Careful investigation begun in the spring of 1874, led to the location of the "Rock," "Stone," and "Lime" claims, in June of that year, but owing to the uncertainty of the economic value of the mineral, and the urgency of other work, no immediate development was attempted.

In the winter of 1875-'76 some of the men were put to work on the Rock claim, and opened considerable bodies of ore. In that connection Mr. Stevens relates the following incident :

All operations concerning the new discovery had been kept secret from the men. Only the proprietors knew what the products contained, or the purpose of the prospecting. The laborers had no knowledge of, or interest in silver ores. Their experience had been limited to digging and prospecting for the more valuable metal, hence when Stevens began to open his deposit of "carbonates," some of the men, discussing the matter among themselves, wondered "what the old man meant by spending his money in that way, as there was no sign of gold in it." At length an old man named Walls came to him and said : "It's a great curiosity I have sur, to know what ye are doin' this diggin' for, Mr. Stevens. I've worruked for yez many a day and attended to me business, but for the loife of me I can't see what yez are afther."

STEVENS.—"You can't, eh?"

WALLS.—"No, sur. There's not a culler in all this stuff we're takin' out."

STEVENS.—"Have you examined it closely?"



W. M. Huber

WALLS.—“Yis, sur, and I’m sure there’s not a culler in it at all; not a culler, sur,—it’s nothing but a lot of black dirty rocks.”

STEVENS.—“Well, Walls, it is not gold that I’ve been working for. What you see there is carbonate of lead, and I think there is silver in it, and perhaps lead enough to make it pay for mining.”

This colloquy awakened Walls and his son-in-law Powell, who also had been working for Stevens. At the expiration of the month for which they had been engaged, they began prospecting for themselves, and in time discovered the “Adelaide,” one of the more noted of the early finds made. The Gallagher Brothers who had been working the Homestake, soon followed, and uncovered the somewhat famous “Camp Bird” mine.

In the summer of 1875, Mr. August R. Meyer, who had been conducting sampling works at Alma, in Park County, and purchasing ores for the St. Louis market, went over to California Gulch, and in 1877 erected a small smelter at Malta as an experimental project for reducing the ores of the Homestake, then quite a productive property, upon which its owners had built some rather extravagant hopes. The following winter, the manager on starting the works, found himself badly in need of lead ores to facilitate the reduction of the somewhat refractory products of the Homestake, and was persuaded by Stevens to try the mineral then lying on the dump of the Rock mine, which he did, with satisfactory results. He then purchased a few tons at ten dollars each, and smelted it with other ores. This was the actual beginning of the smelting industry, which in process of time became enlarged to vast proportions in that section of the Arkansas Valley, and the inception of legitimate mining there.

The result of operations on the Rock claim in the winter of 1875-’76 encouraged Stevens and Wood to adopt more energetic and systematic plans for exploration, which brought about the discovery, and led to the location, in July, 1876, of the “Dome,” “Bull’s-Eye,” and “Iron” claims. During that year, also, some ore from the Rock was hauled in wagons to Colorado Springs, shipped thence by rail to

St. Louis, and there smelted. The result of this operation, together with the development of other resources, enabled Mr. Stevens to enlist the co-operation of St. Louis capitalists in the work of erecting and operating larger facilities for reduction in 1877, Mr. Stevens guaranteeing a supply of ore for treatment. All the claims or locations mentioned are situated on "Rock Hill," in California Gulch, and on "Iron Hill."

In the meantime,—1876,—discoveries of mineral had occurred on Carbonate Hill, and locations were made by Messrs. Hallock, Cooper, Meyer and others. Meyer's smelting works had been well established and operated to some extent, and thereby the character and value of the minerals had been definitely determined.

The winter of 1876-'77 was particularly severe, marked by heavy snowfalls and very cold weather, which practically closed all progress until June following. But from that time forward things went on with a whirl. The fame of the new mining camp spread abroad. Strangers, attracted by the glowing reports, began moving in large bodies, to share in the wild excitement, and with visions of sudden fortune raised by the opening of the New Discovery, Little Pittsburg and others in the spring of 1878. The Harrison Reduction Works of St. Louis, supplementing those of Aug. R. Meyer from the same source, commenced business in 1877 with a single furnace, but it was found necessary to add another in 1878 to meet the constantly increasing production. The La Plata Smelting company began with one furnace in June, 1878, and in the following year added three others.

It became essential also to establish the basis of a town and a post-office to accommodate the rapidly arriving immigrants. On the 11th of July, 1877, Mr. George Henderson was commissioned first postmaster. The office was established in a log cabin, and became the nucleus of the soon to be famous "City of the Clouds."

Thus far we have been considering in the main, the history of the discovery and development of the Iron mines, but others in the district are justly entitled to equal, possibly to greater prestige, by priority of discovery. For example, the Dyer was located in 1872, two years

before Stevens opened the Rock ; the Homestake still earlier ; the Breece-Iron and Alps somewhat later, though all developed slowly under primitive conditions.

"In the winter of 1878-'79," says Mr. Robinson, "began the series of attacks upon the territory surveyed and patented by the Iron Silver Mining company, which forced it to appeal to the courts, and to employ in its defense a large force of armed men. Litigation then commenced is still undecided in its main principles and issues." At one time the company had more than sixty suits at law to determine various contests, and down to 1888 had "expended more than half a million dollars in prosecuting and defending them. But in spite of all these contests, with adverse incidents and interruptions, it had at the date named, given to the world about twelve million dollars worth of valuable mineral, and to its owners about two and a half millions in net profits. For nine years it has given steady employment to an average of over three hundred men in its various departments ; has opened about twenty-three miles of working levels, upraises and winzes ; three miles of working shafts and inclines, and has stoped an area of about sixteen acres on its lode. It is still a large producer, and will probably pay handsome dividends for years to come. Scarcely one-fourth of its territory is yet exhausted, or even exploited. It is a grand mine. Its discovery and opening was the inception of Leadville and the awakening of the dormant powers and energies of the State. Its development has had its part toward sustaining the prosperity of the district, and in extending the fame of Colorado as a great mining region.

"Much discussion has arisen as to who is entitled to be called the discoverer of carbonates, the real founder of Leadville. The disinterested judgment of one who has been familiar with most of the facts of its early history, whose home and work have been a part of it for five of the nine years of its existence, is, that to the enterprise, knowledge of the general geology of the State, firm faith in its mineral resources, keen perception of its value and importance, the tireless energy, courage and perseverance of W. H. Stevens we are indebted for the

discoveries and developments that have advanced Leadville and the State to their present exalted position in the mining world. In this early work Mr. Stevens was ably seconded by his associate, Mr. Wood, and probably the early determination of the kind and value of the ore was, in great measure, due to their habit of critically examining and analyzing all minerals that came under their observation."

It is but just to add, that the claim of Messrs. Stevens and Wood to having first made the revelations of the character and value of the heavy minerals which disturbed the gold washers, has been contested by Maurice Hayes, an assayer of local repute, and another named Dunham, who assert that their assays ante-dated those of the alleged discoverers. The fact remains, notwithstanding, that Stevens and Wood were the first to establish systematic mining and induce the investment of capital in mining and reduction works, as a requisite beginning of the new era.

In the fall of 1877 Mr. Wood sold his interest in the property to Mr. L. Z. Leiter of Chicago, for the modest sum of \$40,000, and thereby sacrificed a great fortune to his lack of faith.

According to local authority, the first strike which called attention to the vast mineral resources of the district, was that of the "Camp Bird," made by the Gallagher Brothers (Patrick, Charles and John), during the winter of 1876-'77, and directly induced by the exposure of carbonate of lead in the Rock mine by the parties whose record in that direction has just been epitomized, and in the near vicinity of what are now the great mines of the Iron Silver Mining company. Development under crude conditions was necessarily slow. The richer ore body was not found at the surface or grass roots, as in most cases where fissure veins make public announcement of their presence, but by digging down through the overlying deposits. Toward the autumn of 1877 these sturdy operators began realizing large returns from selling valuable ores to Mr. August R. Meyer, who shipped them to St. Louis for treatment. In due time their mine was sold, it is said, for \$225,000 to the company just named and was the first important transfer made.

From many conflicting statements, the fact is evolved that the first settler in the present city of Leadville, the man who established the nucleus of the "Cloud City," and by the founding of a mercantile house gave birth, so to speak, to the original thoroughfare known as Chestnut street, which, until the opening of Harrison avenue in 1879, was the only artery of trade, was Mr. Charles Mater,* who located there about the middle of June, 1877. It is a fact, however, that before he was ready for business, several others had taken possession of eligible sites in the near vicinity and erected cabins thereon. Mr. Mater was born in Germany. At the age of seventeen he emigrated to the United States, and to Colorado in the spring of 1860, locating in California Gulch. He was one of the organizers of Lake County in 1861. In 1864 he served with the Third Colorado Cavalry in the Indian wars of that period, and took part in the battle of Sand Creek; was postmaster at Granite for eleven years; served two years as a justice of the peace, and one term as county commissioner. Since establishing at Leadville he has been one of its principal merchants, and was one of the first trustees of the original town organization. In July, 1877, Mr. H. A. W. Tabor, who had been engaged in business in Oro City for many years, moved to the new town site and there opened a store.

In the spring of 1878 Mr. George H. Fryer, in connection with William Lovell, while prospecting in an unchristened elevation directly north of Carbonate Hill, on the 4th of April opened a deposit of ore which he named "The New Discovery." As if by unanimous consent, the promontory immediately took the name, "Fryer Hill," and by subsequent developments in contiguous claims became the most productive section of the country. Fryer was one of the most generous, genial and companionable of men. He had previously accumulated and squandered with profligate recklessness two or three moderate fortunes. I remember when he came to Denver, just at the beginning of his famous strike, but before its value had been demonstrated by development, to negotiate its sale to Mr. J. B. Chaffee. He was in close

See Portrait, page 396, vol. I.

financial straits, and compelled to raise a certain amount of money to meet an impending crisis in his affairs. Ascertaining the facts, Mr. Chaffee advanced him the sum required, taking a bond and lease on the property, which eventuated in its purchase for \$50,000.

Among the series of important discoveries made in the spring of 1873, and the one which exerted greatest influence toward inciting the sudden and tumultuous rush of immigration from all quarters of the Union, and caused the name of Horace A. W. Tabor to become more widely celebrated than any other of his time, occurred about the 1st of May, 1878, the material incidents of which are well worth relating. In 1868 Mr. August Rische, a shoemaker, who had served three years in the Union army, came to Colorado and opened a small shop at Fairplay, Park County, for the manufacture and repair of foot-gear. In the autumn of 1874 he removed to California Gulch, and in the spring of 1875 leased a mine known as the "Five-Twenty," but as it proved an unprofitable venture, he engaged in prospecting, in this instance, also, without satisfactory result.

On the 20th of April, 1878, he formed a partnership with George T. Hook, another shoemaker, with a view to searching for "carbonates." Both were poor. To prospect with any chance of success, one must have at least a reasonable supply of substantial rations and proper implements. These pre-requisites, lacking the means to pay for them, were beyond their reach, but knowing Mr. Tabor and his generous nature, they applied to him for assistance. Happily, their proposal to divide, share and share alike such discoveries as they should make, enlisted his aid in their cause. The rations, tools, etc., were furnished, and they proceeded to the apex of Fryer Hill, at that time an unpromising locality, for very little valuable mineral had yet been discovered there, and began digging. In those days it was difficult to determine where lay favorable signs and indications of the presence of mineral. Previous experience in Colorado mining counted for nothing. In established districts the class to which they belonged followed certain guides found in the surface outcroppings of veins, or were led to them by float



Geo I Hook

or blossom rock, scattered over the slopes; but here it was simply blind chance, for the deposits were thickly overlaid with porphyry and soil. Digging for the vein was laborious work, but they persevered until their supplies became exhausted, when they returned to Mr. Tabor's store, reported progress, and, like *Oliver Twist*, asked for more, which was immediately granted. Few worthy men in distress have applied to him, even when he had but little to share with any one, and been sent away empty-handed. In the present instance he knew that Rische and Hook were honest, industrious and persevering, and they themselves were sanguine of striking the prolongation of the ore body which had rewarded George Fryer's search in the claim adjoining, though it seemed probable that they would have to go deeper for it. This generosity, though against the pessimistic advice of his friends who had little faith in the outcome of their endeavors, made him a millionaire, and brought him almost unexampled renown. It exalted him to the headship of men and affairs in his own State, caused him to be chosen Lieutenant Governor in 1878, and sent him to the Senate of the United States, all within two or three years, and almost before he had recovered from the dazzling bewilderment of the marvelously rapid transition from obscurity and poverty, to princely wealth and importance among his fellows.

About the 1st of May, having sunk their shaft to the depth of twenty-six feet, Rische & Hook opened the Little Pittsburgh mine, and with it fortunes for all concerned in the enterprise. The vein soon gave evidence of being remarkable for the extent and value of its ores. It is stated that during the last half of July following the discovery, the mine yielded at the rate of \$8,000 per week. The first wagon load of mineral extracted and sold to the smelters, netted them over two hundred dollars. With abundant means at command, the deposit was thoroughly opened, and was soon producing from seventy-five to one hundred tons weekly. This surprising revelation caused a prodigious activity in prospecting and mining throughout the neighborhood, and Tabor, Rische & Hook began to absorb contiguous claims.

In September following, Mr. Hook, after having realized largely from the intermediate sales of ores, sold out his interest to his associates for \$98,000 and retired, to securely invest and enjoy his fortune. A short time later, Mr. Rische disposed of his half interest in the property to J. B. Chaffee and David H. Moffat for \$262,000. Says Fossett,—“On the 18th of November, 1878, the owners of the New Discovery, Little Pittsburgh, Dives and Winnemuc claims united their holdings and formed the Little Pittsburgh Consolidated company. The Little Pittsburgh had previously returned the handsome total of \$375,000 and the Winnemuc \$153,000. The latter amount was extracted in forty-nine days, clearing the owners \$112,000.” But extended developments determined the fact that the larger part of the valuable ore lay within the boundaries of the New Discovery, where the deposit was from twenty-five to fifty feet thick in places. “The average contents of the ore for five months of 1878-'79 were 111.40 ounces silver per ton, and 22.47 per cent. of lead. The average selling price was \$62.12, freighters', smelters' and shippers' charges being from \$70 to \$75 per ton.” The Consolidated company was organized in New York in the spring of 1879, with a capital stock of \$20,000,000.

“The production of these mines from the time of discovery in the spring of 1878 to April 1st, 1880, amounted to \$2,697,534.91 for receipts of ore sold, and \$4,246,239.81 actual yield.” By this time it was discovered that several large blocks of mineral, that had been counted upon for large yields and the consequent perpetuation of dividends, were of too low grade to pay much above the cost of extraction and treatment. Under the pressure of a strong demand by the principal shareholders in New York for dividends of \$100,000 per month, the mine was literally drained of its valuable contents. Tabor sold out his interest to Chaffee and Moffat for a round million, and with other associates (Borden, Tabor & Co.) bought up all the properties obtainable in the vicinity and adjoining the Crysolite, then the chief producer of the district. Marshall Field of Chicago became interested with him, and from his various ventures in and about Leadville accumulated

enormous profits, while Tabor made millions so easily and so rapidly as to dazzle all beholders of his wonderful career.

Soon after the setting of the tide toward Fryer Hill, every foot of ground in that vicinity had been staked off in claims. Nor did the wild rush stop there, but extended to all neighboring regions. The discovery of the Crysolite, Little Chief, Carboniferous, Amie, Dunkin, Hibernia, Matchless and a host of others followed in quick succession. On the Crysolite a greater than the Little Pittsburgh Consolidated company was organized in October, 1879, by George D. Roberts, one of the prominent operators of the Pacific slope. The territory embraced a number of adjoining claims, including the Vulture, Carboniferous, Colorado Chief and others, and was put under the most extensive operation, by W. S. Keyes, a noted expert and manager from the celebrated Comstock lode of Nevada, who immediately introduced Comstock methods of mining and timbering, which served as examples for other of the large operators, and to which many were indebted for the systems which promoted their success. For its yields we again have recourse to Fossett, who states, "that in less than five and a half months, while the company was putting the Crysolite in shape for future production, five dividends, amounting to \$1,000,000, were paid and another of \$100,000 in April. The capital stock was \$10,000,000, divided into 200,000 shares of fifty dollars each. At this time the shares sold rapidly at \$20 each." The total yields of the Crysolite for eleven months preceding April 1st, 1880, is given by Fossett at \$3,062,037.68.

The Little Chief, another and by no means the least celebrated mine of the inflation period, yielded phenomenally during the existence of its bonanzas. It was located and sunk to a paying condition by Peter and Richard Finerty, Patrick Dillon and John Taylor, all common laborers, and until success crowned their efforts, poverty stricken. After they had mined and sold ore to the value of \$100,000, J. V. Farwell of Chicago, bought their claim for \$300,000, thereby giving each a greater sum of ready capital than either in his most extravagant visions had ever dreamed of. From the date at which mineral was struck, in 1878

to April 1st, 1880, the Little Chief produced nearly two and a half millions. At the beginning of 1880, the property was purchased by George D. Roberts, and the Little Chief Mining company organized, with a capital stock of \$10,000,000.

It has been as much a part of the history of Leadville as of all other great mining regions, that as a rule, the original locators have derived only a small share of the values contained in their discoveries, for almost as soon as made, for the most part when only shallow prospect shafts had been sunk, the locations were sold to wealthy individuals or corporations, who enjoyed extravagant dividends therefrom by virtue of abundant funds wherewith to develop them. It is impracticable at this time to recount in detail the chronicles of discovery over so wide a territory as was here presented, and in which thousands of locations were recorded. Even a brief synopsis would extend these annals far beyond the purpose of the author. It is deemed unnecessary to give more than a general review of the principal discoveries and yields that induced the lodgment of a dense population, the investment of vast sums of money, and the building of a remarkable city, the largest and most influential thus far established in the Rocky Mountains. The minutest particulars of the wonderful story have been elaborated in several historical sketches of the period, and in countless newspapers and magazines, hence it would be superfluous to recapitulate them here, when most of the mines which produced the effects so elaborately described, have passed out of the list of celebrities, and whose prestige will never be restored.

While it is difficult to select from the number of great mines any one, and say it was pre-eminently potential in determining or forecasting the destiny of the region, there were a few which led all the rest, and have not been surpassed by later revelations. It is undoubtedly true that the most extraordinary discovery ever made in Lake County, and from which a larger amount of treasure was taken in the brief period of its supremacy as a phenomenon, was the Robert E. Lee, located and christened by an obscure prospector named Lea on the 25th of June, 1878, and sold to his successors in 1879, before mineral was found.

During February, 1879, rich pay was encountered, but operations were almost immediately interrupted by water, and later by litigation. Prior to this, interests in the claim had been offered for mere nominal sums, since the self-constituted experts had proclaimed it barren ground, outside of the mineral belt, and practically worthless. Before vein matter of any considerable value had been exposed, the property passed into the hands of Irving Howbert, Benjamin F. Crowell and J. F. Humphrey of Colorado Springs. Subsequently J. F. Sigafus, W. H. Roudebush, J. Y. Marshall and Homer Pennock of Leadville, became members of the company. No sooner had paying mineral been disclosed, than suits, were begun by contesting claimants. Their titles were quieted by purchase, and about the first of August work was resumed in earnest. At the depth of one hundred and fifty feet a vein of exceedingly rich chloride of silver ore was struck, that carried 1,800 to 2,000 ounces silver per ton, the first of like dimensions and value that had been discovered in any of the carbonate hills, and necessarily stimulated and increased the prevailing furore over the marvelous wealth of the district. There was also a mass of sand carbonates carrying from \$200 to \$400 per ton in silver, thus making it an exceptional discovery. The yield of this deposit for the first three months of systematic mining was \$495,000. "In October,* \$125,000 was taken out in ten days, \$100,000 of which came from various lots of ore which were sold on the following remarkable assays: 520 ounces silver per ton; 708, 767, 882, 1,098, 1,412, 1,516, 2,825, 2,878, 3,014, 5,405 and 10,306."

During the month of January the yield of the mines aggregated \$301,494.79. "On the 13th of January an effort was made to see how much could be taken out of the mine within twenty-four hours. The result was ninety-five tons, valued at \$118,500, showing an average value of over \$1,200 per ton. Two tons of these chlorides and carbonates carried 11,839 ounces of silver per ton; four tons averaged 4,993 ounces, and eight tons 1,234 ounces. The general daily product was from seven to ten thousand dollars. The Lee has given the largest yield for a

* Fossett's Colorado.

single month and a single day, of any mine in the country, outside of the Comstock of Nevada."

The company was reorganized and incorporated in 1880. In February, 1881, it was controlled by J. Y. Marshall, Homer Pennock, L. D. Roudebush and H. A. W. Tabor. It is related that in one of the levels, streaks of chloride ore were found that yielded 10,000 ounces silver per ton, and there were instances where it ran from 15,000 to 20,000 ounces. Other bodies much more extensive, comprising the bulk of the mass, produced from 150 to 700 ounces per ton. All the better ores were long ago exhausted, and since then only small amounts have been extracted.

To the Morning Star, located in June, 1877, by two prospectors named Baldock and Bradley, something of romantic history attaches. When their shaft had reached a depth of ten to twelve feet, in wholly barren ground, Governor John L. Routt, possessed of a desire to tempt the fickle goddess, offered them \$10,000, much more than his entire fortune, for the claim, and it was accepted. He had known the pinchings of poverty in the political station he then occupied, in fact, all through his life, but cherished unbounded faith in his guiding star, and felt that by throwing his soul and strength into it as supplements to his hard earned dollars, the reward would come. And it did come, but not until his patience, muscle and credit had been strained to the uttermost.

Disregarding, in his new born enthusiasm, the exalted position he held as the executive of a great commonwealth, and the fact that men occupying such positions were not expected to lay aside the ermine of government for the humbler raiment of slouch hat and copper riveted overalls, he set to work with the few men he could afford to employ, sharing their labor in picking, shoveling and hoisting; subsisting upon the coarsest fare by day, and sleeping in coarse blankets upon the floor of a rude cabin by night, toiling from sunrise to sunset, denying himself all the comforts of life to pursue unfalteringly the object of his ambition. These efforts were interrupted by occasional visits to the State capital, until his term of office expired, when, surrendering the scepter of authority to his successor, Frederick W. Pitkin, he returned to his claim



John L. Roritt

and wrought persistently as before, but with only slight encouragement until April, 1879, when his indomitable pluck and steadfast perseverance resulted in the discovery of an immense body of valuable ore.

In the progress of his preliminary trials, to secure means for the more active prosecution of work, he had sold to Joseph W. Watson and George C. Corning, the latter Treasurer of State, each a one-fifth interest in his claim. During 1878, some few isolated bunches, or small pockets of ore were found, sales of which brought him \$7,447.70. But from the time the mine was put in a condition for steady production, during the summer and autumn of 1879, the receipts were large, aggregating for that part of the year, \$290,491.26. During January, 1880,* the receipts were \$70,600, in February \$70,000, and in March, about \$75,000. A number of adjoining claims were purchased, and in April, 1880, the Morning Star Consolidated Mining company was organized, with a capital stock of \$6,000,000. In addition to the great profits reaped from previous sales of ore, the Governor and his associates received something over a million dollars from the sale of the property.

The Evening Star, situated between the Catalpa and that just described, was located in 1879, subsequently sold to an eastern company, and then systematically developed by W. S. Ward, its manager. The capital stock of the company was one of the most moderate of the time, being only \$500,000. Mr. Ward, one of the principal stockholders, displayed rare skill, energy and prescience in the development of the ore bodies, employing methods that have nowhere been excelled for wisdom, perfection, and in profitable returns through directness and economy of underground explorations. In most cases the properties about him were operated with an eye single to the payment of dividends,—regardless of other and more important considerations,—from the first ores developed, while Ward made no effort whatever to pay dividends, paying none, until the full contents of the mine had been carefully blocked out, securely and safely timbered, and their approximate value ascertained. Then he was in a position to set aside each month a certain

* Fossett's Colorado.

amount of profit for the shareholders. The first dividend was declared and paid September 12th, 1880, and continued each month to the amount of \$25,000, until the reserves were worked out. The ore was remarkably uniform in value, averaging a little more than \$50 per ton, but even at that figure, owing to economical management, very profitable. In 1881 this property was consolidated with the Morning Star combination, and thereafter all were worked in conjunction.

The Matchless was located by impoverished prospectors, who, after laboring some time without results, sold out to Foley, Wilgus and Moore, speculators in mines, who sank the shaft to mineral, and in September, 1879, sold it to H. A. W. Tabor, the chief of operators, for \$117,000. In this venture he had no partners. The purchase had been made solely upon his faith in the value of the property, and being associated with others in every other enterprise in which he had engaged, he felt that it would be a joy to own something in which there were no sharers, and that would furnish him "pin money," so to speak,—a suit of clothes now and then, a new hat, a bottle of champagne, and such other trifles as are indispensable to a man of means. When properly developed, his net profits from this source were about \$2,000 per day, and there was a time when they amounted to \$80,000 and even to \$100,000 per month, for some of the ore was a chloride of exceeding richness. A part of these earnings were put into his splendid and incomparable opera house at Denver.

The Catalpa, Glass-Pendery, Amie, Hibernia, Climax, Small Hopes, Silver Cord, and a number of others were celebrated producers in the earlier years, and while some of these are still yielding reasonable profits from limited operations, their glory passed with the epoch which we have been considering. Nevertheless, the revelation of large deposits in other claims brought into line in the later period, together with the prodigious outputs from the Iron Silver, Maid of Erin, Henriette and other standard sources, have maintained the prestige of the district to the present time.

With these facts before us, though hastily drawn, and conveying but

an outline of the yields from the chiefs of a long list of wonderfully productive mines, in a period when colossal fortunes were acquired with incredible swiftness, equaled only in the bonanza days of the Comstock of Nevada, or in the first years of discovery in the gravel beds of California, is it any wonder that, as the stupendous panorama unrolled, the eyes of the world should be turned toward the mountains of Colorado as toward a spring of inexhaustible riches, which, revealed just at the time when the resumption of specie payments had been declared by the government, and at the subsidence of a paralyzing panic, dissipated all doubts of the speedy extinguishment of our national debt; that tens of thousands should turn their faces in this direction; that capitalists and speculators should gather there, and that with the higher and intermediate grades should come a miscellaneous horde of gamblers, tramps and outlaws; that honesty, intemperance and crime should be commingled, crowding and jostling each other in inseparable confusion upon the streets; that blood should be shed, and characters ruined; that while the few were mounting the golden ladder leading to wealth, the masses were groveling in the slums of wretchedness and debauchery, the whole creating scenes witnessed nowhere but in feverish, excited and devilish struggles of a multitude collected from many lands and climes, each impelled by the hope of reaching a higher and better station?

The millions of money poured into the stagnant arteries of commerce from the porphyry hills of Leadville were the impelling cause of the great procession of spectacular effects which inspired countless writers to spread its fame, but only one of the interesting incidents of the time. While the more fortunate were reaping magnificent harvests, and rejoicing over their gains, comedies, tragedies, misery, death and despair crowded the great center of action. We have now to show how the process of evolution from the frenzied whirl of chaos to the orderly and peaceful status of a well governed community, sent the criminal drift by voluntary or involuntary emigration to other fields, and enabled the better element to establish the lines of legitimate industry and commercial stability, and fortify them for the future.

CHAPTER XXI.

LEADVILLE CONTINUED—INCREASED IMMIGRATION—ORGANIZATION OF GOVERNMENT—PUBLIC IMPROVEMENTS—BUILDING OF SMELTERS—THE GRANT SMELTING COMPANY—RATES PAID FOR ORES—BEGINNING OF THE BOOM—CONDITION OF SOCIETY IN THE PLUNGING PERIOD—COLLAPSE OF THE LITTLE PITTSBURGH—EFFECT UPON THE COUNTRY—THE GREAT MINERS' STRIKE IN 1879—DECLARATION OF MARTIAL LAW BY GOVERNOR PITKIN.

At the close of 1877 the population of Leadville was about three hundred, mainly composed of prospectors and miners who had drifted in from the outlying districts of the State. The nearest newspaper was the "Sentinel," published by Richard S. Allen at the town of Fairplay in Park County, which gave very full accounts of the various discoveries, and events transpiring at the new camp across the Mosquito Range. These being republished in the more widely circulated journals of Denver, found their way to the press of the eastern States, where the effect anticipated was produced, so that at the beginning of 1878 the tide of immigration set in strong and continuous. On the 14th of January of that year preparations for the organization of a government began. Says the Leadville "Chronicle," "Eighteen citizens, in response to a call, met in a little wagon shop* on the present corner of Pine and Chestnut streets, to take preliminary steps for a town organization. There was high debate over the name. Mr. Mater suggested 'Carbonateville.' A. R. Meyer proposed 'Harrison' as a fitting compliment to the builder of the first smelter. A few others favored 'Agassiz.' Mr. J. C. Cramer proposed 'Leadville' as the name most distinctly suggestive of the new city's source of wealth, and it was unanimously adopted."

* Other authorities assert that the meeting was held in Chas. Mater's store.



Sam^d Laddy

By proclamation of the Governor, the first election under the town organization was held January 26th, 1878, when H. A. W. Tabor was chosen Mayor, and C. E. Anderson, Clerk, with Charles Mater, William Nye and J. C. Cramer as Trustees. The government was formally instituted in February. At the regular election held in April following, Tabor was re-elected, with J. C. Cramer as Clerk, and William Nye, J. Carroll, R. J. Frazier and R. T. Taylor, Trustees. In April, 1879, the town was elevated to a city of the first class. At this election the business men, not satisfied with the political nominees for the Mayoralty, brought forward as their candidate Mr. W. H. James, and though named but two days in advance of the vote, he was chosen by a large plurality. At this time, also, Mr. John W. Zollars was elected City Treasurer, and M. J. Murphy, E. C. Kavanagh, John McComb, Samuel McMillen, J. P. Kelly and John D. Monroe, Aldermen.

One of the first measures in the line of public improvements was the introduction of a water supply for the extinguishment of fires, and for domestic uses. The construction of a large reservoir on Carbonate Hill, a mile or so to the southeast of the city, was begun Sept. 15th, 1878, and the work of laying pipes, etc., completed in the spring of 1879, the water being turned on March 1st. An efficient fire department was organized early in 1878. Fortunately, notwithstanding the combustible nature of the majority of the buildings in the original town, no serious conflagration has occurred. At the close of 1878 a census of the population was taken, showing a total of 5,040.

The great flood of prosperity which gave the place its renown in 1878-'79-'80 was due, first to the opening of scores of great mineral deposits, and second to the rapid multiplication of ore markets. As stated elsewhere, the original smelter was established at Malta by A. R. Meyer in 1877, but it was not remarkably successful. It was succeeded by the Harrison Reduction works in 1877. The La Plata smelter began with one furnace in June, 1878, and in 1879 had four in active operation. Berdell & Witherell began in the fall of 1878. The American smelter opened July 5th, 1879; the Billings & Eilers, the California,

and J. B. Dickson's, the Ohio & Missouri (in Big Evans Gulch) and the Elgin in the same year. Cummings & Finn fired up their two furnaces July 25th, 1878, and the Grant Smelting company theirs on September 23d of that year.

The greatest firm of ore buyers and dealers in the products of the mines about Leadville from 1878-'79 to the date of the erection of their incomparable plant in Denver, was that of Eddy, Grant and James, of whose organization and operations it is deemed proper to give a somewhat extended account.

Edward Eddy and William H. James, the first a native of Cornwall, England, and the latter of Wales, prior to their entree upon the busy scenes of the Carbonate camp, had been residents of Georgetown, Clear Creek County, where they were engaged in mining. Mr. Eddy, before leaving his native land, had acquired a liberal education in the School of Mines at South Kensington, and elsewhere an extensive knowledge of mining and the treatment of ores in all their branches. Coming to Colorado, he settled at Georgetown October 12th, 1871, obtaining employment on the East Terrible mines, then owned by Fred A. Clark and Henry Crow, and superintended by W. H. James. From an employe, he soon became an employer, having taken up the pursuit on his own account. He built and conducted a concentrating mill in the town, and subsequently erected works of a similar character for the Silver Plume Sampling & Concentrating company. By his superior attainments Mr. Eddy became one of the most noted operators in the county, for men of his stamp were none too numerous in those days, and the improvements he suggested and applied to the work of underground mining, and to the treatment of the products, exercised great influence in teaching the operatives how to work and timber their shafts and levels, and how the minerals should be manipulated, lessons which but few had learned, hence there was much needless waste of labor and valuable material.

Mr. James came to the United States when but eight years of age, was educated in Brooklyn, N. Y., and finally apprenticed to the trade



W. A. James

of a watchmaker, which he followed until 1860, when he joined the procession of gold hunters then marching toward the Pike's Peak region. Gilpin County being the objective point of all immigrants, he found his way to the town of Nevada, situated at the very head of the series of gulches tributary to the original Gregory, and at the very apex of quartz or lode mining, and in due course became employed in the milling of gold ores, but did not meet the success anticipated. Removing his mill to Empire, in Clear Creek County, he was still less fortunate there, and at length returned to Gilpin, locating in Black Hawk. Soon after the Terrible mines, near Georgetown, came into prominence as great producers of rich silver ores, he was made superintendent of those properties, which he directed until their transfer to an English company, when he became manager of the Burleigh and Baltimore tunnels at Georgetown, where the first automatic machine drills ever brought to Colorado were introduced and operated. In 1873 he superintended the working of the gold placer mines at Fairplay, in Park County, in which Fred A. Clark, the owner and manager, lost his life some time later.

In 1875 he passed over to the valley of the Arkansas and took charge of the Printer Boy mine. In 1876 he was elected a member of the Constitutional Convention from Lake County. His services in the body which framed the fundamental laws of the State are fully set forth in the chapter relating to that subject. His labors concluded there, he returned to California Gulch and assumed charge of the Oro Ditch and Fluming company, and there obtained his first knowledge of the carbonate of lead deposits, out of which he subsequently secured ample compensation for his earlier misfortunes.

In February, 1878, he and Mr. Eddy united their small capital in a partnership for the purchase of ores and bullion. In the meantime, the latter had made a careful inspection of the carbonate field where he discovered a fine opportunity for the acquisition of a fortune. The requisite machinery for sampling works was purchased and set up, and soon their business assumed large proportions. On the 1st of January,

1880, James B. Grant was taken into the firm, which then became known as J. B. Grant & Co., but was afterward changed to the Grant Smelting company.

Mr. Grant, a native of Alabama, was educated first at an agricultural college in Iowa, taking a supplementary course at Cornell University in New York, whence he was sent to Freiburg, Germany, where he devoted his time to the study of mineralogy and kindred branches, and where he acquired the scientific knowledge which eminently qualified him for the life work toward which his taste was directed immediately after his arrival in Colorado in 1876. His first experiences were in Gilpin County, where he purchased and opened a gold mine called the "Clarissa," purchased from W. H. Bush, then proprietor of the Teller House. In 1878 he went to Leadville, and at the time mentioned above, having abundant capital at his command, organized the firm of Grant, Eddy & James, now a part of one of the most extensive and successful smelting corporations in the West. In 1882 he was elected Governor of the State, the first candidate of the Democratic party chosen from 1861 down to the date named, and gave a satisfactory administration of that high office, chiefly because he accepted the nomination with great reluctance as a sacrifice of his rapidly expanding business, and because when elected, he sturdily refused to be governed or guided by mere political considerations, declaring his only desire to be to administer the government in the best interests of all the people, regardless of party, for a single term of two years, and then retire finally from the political field.

Such, briefly described, was the firm of studious, thoughtful and experienced business men, combining the practical skill and energized force that have made the Grant Smelting company one of the greatest industrial institutions that has yet been founded at any point between the Missouri River and San Francisco.

Their smelting works opened September 23d, 1878, with a single furnace. Two years later they had seven in operation, with a capacity for treating one hundred and seventy-five tons of ore daily, resulting in



J. Bryant

the production of about three carloads of base bullion each twenty-four hours.

From a statement found in the "Engineering and Mining Journal" of May 11th, 1889, prepared by one of the best known statistical authorities in Leadville, we reproduce the following epitome of the prices paid for lead carbonate ores, from the early days of the camp to the present time. It is a fact worthy of note that there has been a steady advance in the prices of all Leadville ores.

In January, 1879, the rates were as follows :

For ores carrying	50 to 60	ozs. silver per ton,	44	cents per ounce.
" " "	60 to 70	" " "	55	" "
" " "	70 to 80	" " "	61	" "
" " "	80 to 90	" " "	65	" "
" " "	90 to 100	" " "	68	" "
" " "	100 to 120	" " "	71½	" "
" " "	120 to 140	" " "	73	" "
" " "	140 and over	" " "	75½	" "

If carrying over twenty-five per cent. of lead, they paid forty cents for each unit, and deducted forty cents for each unit if under twenty per cent. There was no working charge.

Another form was as follows :

10 cents off New York quotations for silver.
 25 cents off per unit for the lead.
 \$57 per ton working charge.

The schedule now (May, 1889) current for similar ores is :

LEAD, PER CENT.	PRICE PER UNIT.	WORKING CHARGE.
15 to 20.....	30 cents.....	\$5.00
20 to 25.....	40 "	4.50
25 to 30.....	40 "	4.00
30 and over.....	40 "	3.50

In the early part of 1879, only ores high in silver could be marketed under the deductions then made by the smelters. At present only occasional lots of ore are mined which contain above one hundred ounces silver per ton, the great majority falling below seventy-five ounces.

By April, 1879,—quoting from Capt. Dill's sketch of Leadville, "The boom had fairly commenced and notwithstanding the increased accommodations by the multiplication of hotels, it was almost impossible to secure decent sleeping apartments, and every saloon, private house, office, even stables, were drawn upon to furnish shelter for the throngs which poured into the city daily. Four lines of Concord coaches, each coach capable of bringing eighteen to twenty passengers, and each line having from two to four coaches going each way daily, ran between the termini of the railroads and the town. The Denver & South Park Railroad reached Webster, at the eastern foot of Kenosha Hill, about the 1st of May, and was making preparations for the magnificent feat of engineering skill that was to transfer its track over the divide between the Platte and the South Park. Another line of coaches ran between Cañon City and Leadville, and innumerable private hacks brought many passengers." The population had grown to 8,000, by October to 12,000, and at the close of the year some of the more extravagant calculators placed it at 20,000. "The streets in the evening when the army of miners, speculators and capitalists had returned from the hills, were crowded from curb to curb. Pedestrians desiring to reach any given point expeditiously, chose the middle of the street in preference to the sidewalk, taking their chances of being run over by the dashing horsemen and coaches that whirled over the smooth roads at any hour of the day or night." Personal experience taught me that one who might be in haste must possess his soul in patience, for the dense masses that blocked Harrison avenue and the greater part of Chestnut street in the evening, proclaimed "no thoroughfare" unless one drifted with the current as it moved. And it may be asked, what were all these throngs of men doing? For the most part they were mere loungers, though many were prospectors and miners, speculators and traders, buying, selling, bonding and leasing; expatiating with feverish volubility upon this, that and the other claim where rich mineral had been opened, explaining the latest strikes and discoursing upon the certain promise of equal or better rewards of adjoining locations, yet to be prospected.

Occasionally the proceedings were enlivened by a fight, or a shooting matinee. But there was greater safety in the crowded thoroughfares than on the quieter unlighted streets, where every dark corner seemed to be infested by footpads, men made desperate by poverty or by their own profligacy in the drinking saloons, dance houses and gambling dens, who, whatever their previous lives may have been, were now ready to rob, steal or murder, if need be, to secure the wherewithal to continue the courses that had debauched and ruined them. Having occasion to visit one of the outskirts one evening in the brisker period of 1879, I was cautioned by friends not to go alone, or I might not return alive. Nearly every man who was compelled to pass through the unlighted localities carried a cocked revolver in his hand, and watched every step, in momentary expectation of being ordered to halt and surrender.

A number of theaters, and scores of questionable resorts were open, brilliantly lighted, and all the glittering attractions employed to entice people into them. Having been invited to attend one of the theaters, I asked the hour at which the performance began, and was told, "O, about ten or eleven o'clock." But when does it close? "Along about daylight in the morning," was the reply, and it was literally true. The blood curdling melodrama billed for the occasion, began about midnight and continued until 4 A. M. Hundreds roamed the streets, haunted the saloons or the open gambling rooms, the greater part of every night, where many strange scenes were enacted between twilight and dawn. Says Dill, "Following in the wake of the wealth which daily poured into the camp, were men whose trades were theft and robbery. To drug a victim, coolly rifle his pockets of every article of value and throw him into the streets to be arrested for drunkenness, was among the most common methods of the thugs that infested the saloons and variety theaters. The dance houses from which floated alluring strains of music were thronged, and attracted by the glare of lights and the novelty of the scene, many a novice with more money than sense, wandered in. If, in a moment of reckless abandon, inspired by

the wretched liquor dispensed at such places he exhibited a roll of bills, he was sure to be spotted, and followed by one or more of the desperadoes always present, and the chances were that he would wake up in an hospital or in some back alley with bleeding head and minus everything upon his person that could be turned into money. Footpads lurked in every corner awaiting belated business men, or debauchees reeling their way homeward. The sharp, ominous command, 'Hold up your hands!' accompanied by the click of a pistol, was heard nightly. Men were robbed within sight of their own doors, and several were followed into their bedrooms by daring criminals, and stripped of all their valuables. Men whose duties compelled them to be out late at night, walked with a pistol in each hand, and not infrequently with a third in reserve, taking the middle of the street to avoid being ambushed. No man who could avoid it went into the byplaces alone after dark. When men connected with the mines were obliged to be in town in the dark hours, they either took rooms at the hotels or went to their quarters in squads for mutual protection. One young man, a confidential employe of a prominent company, in a fit of drunken bravado, exhibited a large roll of bills in one of the variety theaters. A few minutes afterward he started for his room, and on turning the first corner, with the light from saloons making the locality as bright as day, he received a blow from a bludgeon, and two hours later woke to consciousness lying in the gutter into which he had fallen, to discover that his gold watch, with a thousand dollars of his own and the company's money, had been taken from him."

These are examples of many incidents which marked what may be termed the "plunging period," and aptly illustrate the condition of society during the initial stage. Added to the confusion were some bloody contests over building lots and mining claims, where human lives were sacrificed and all manner of evil passions engendered. At length, since the regularly constituted authorities with their police were powerless to arrest, or indifferent to the perils that endangered life and property, a vigilance committee was organized, which hanged several of



W. H. Bush

the leading criminals and warned the remainder out of town on penalty of like treatment.

The Little Pittsburgh estate was the first upon which a great capitalized company was formed, and though it ran a brilliant career and was the means of attracting greater attention to the district than any other of its time, was nevertheless, one of the first to give way under the strain of too great an effort to force monthly dividends of \$100,000 upon its capital stock of twenty millions, and in collapsing, brought disaster to the whole neighborhood. The confidence of its owners in the vast resources of this property, and that entertained by the public generally, was ascribable to ignorance of the nature and extent of the deposits, rather than to willful misrepresentations, as then so freely alleged. As a matter of fact, no man, however conversant with the science of mining geology, could fathom the limit of the ore zones until some of them had been fully exploited, and it was only by the knowledge acquired from constant investigation of the different veins in the course of their development, that right conclusions were evolved.

When the first of these deposits was opened it was widely assumed that beneath every location or claim of ten acres, there lay ten acres of mineral, and until it was shown that there were high, low and medium grades of ore, and grades that were practically worthless, it was assumed that only the better qualities existed, and that if at the point of attack the ore was found to be worth \$100, or \$150 per ton, the entire deposit might be reckoned on that basis. Consequently, the value of every claim was measured by millions.

As previously stated, the Little Pittsburgh was stocked for twenty millions, and one-fourth of that amount was soon disposed of in New York for a million dollars, so eager were the brokers in Wall street for an opportunity to operate in the famous Leadville mines. Both J. C. Wilson, the manager, and H. B. Bearce, the Superintendent of underground operations, informed me in September, 1879, when I had made a casual inspection of the property, that the enormous dividends called for, were depleting the ore reserves faster than they could be opened, and while

there was no present sign of a limit to their capacity for production, there was a limit to their power for development, and it was a question of only a short time when a halt must be called, to afford them opportunity for further exploitation. They entertained extravagant notions of the extent of the ore body, and felt that under ordinary circumstances they would be able to meet all demands. Mr. Moffat, before going to New York in the fall of 1879, to look after the interests of his company there, made a personal visit to the mine and examined it thoroughly. The deposit was very large, and there were no evidences anywhere that it would be exhausted within the limits of the territory covered by the several locations. Hence, on arriving in New York, his report to the directors and stockholders was extremely sanguine. During September, Tabor sold his interest to the company, and from the proceeds thereof purchased a large amount of stock in the First National Bank of Denver.

Sales of the stock upon the exchange in New York were large and rapid. Of all the mining securities dealt in, these were in greatest demand, and brought the highest prices. While there were greater mines than the Little Pittsburgh proved to be in the ultimating issue, not one had the conspicuous place it held in public estimation and in the speculative markets. Chaffee and Moffat, basing their opinions upon frequent personal examinations of the property, and supported by the reports of the best mining experts of the time, entertained and freely expressed unbounded confidence in the perpetuity of the resources and yields. Both were appalled, therefore, when, early in February, 1880, they being in New York, intelligence came to them from the manager that its available resources were well nigh worked out and that the payment of dividends must be suspended until new explorations could be made and further ore bodies opened. The stock had risen to \$35 and \$40 per share and was selling freely at those figures, and the demand for it was incessant. Mr. Moffat ordered the manager to New York post haste, to render a personal account. Finding that the secret could not long be preserved, and yet hoping that new supplies would be found, orders were given to push the exploitations as rapidly as possible.

Meanwhile, the market was flooded with the stock. Then came the exposure and sudden collapse. The stock fell from \$35 to \$6 per share. Said the brokers to Moffat when the crash came, "If you had not been so rapid in your deals we intended to catch you on the turn, but your movement caught us instead. It's all right, however. You are the first Western man who has escaped a squeeze." Instead of feeling outraged by the decline, they simply congratulated him on his superior shrewdness in standing from under. A few of the class termed innocent investors, who had purchased the shares in confidence and upon honor for the gains derivable from a well established, legitimate enterprise, suffered as a natural consequence, and from such, maledictions loud and deep, coupled with charges of chicanery and fraud, spread over the land, to the detriment of this and all other enterprises formed in Leadville. But the projectors themselves were the victims of a too sanguine estimate of the reserves in store. While there were not wanting men of superior perspicacity who asserted their ability to read the pages of nature like an open book, who predicted an early collapse, it was wholly impossible for any person to accurately forecast the issue. The mine contained many great blocks of ore, held in reserve for the continuation of dividends, which, when penetrated, taken down and tested, proved to be too barren of silver for the most part, to pay the cost of extraction and treatment, yet they had been counted as valuable parts of the great bonanzas, and it was this disappointment more than anything else which induced the suspension. In the wild excitement of the time, when all minds were intoxicated and all opinions governed by the extraordinary developments, the bewildering rapidity with which immense fortunes were made, without an accepted sign of limitation, every one was imbued with the feeling that the region contained illimitable quantities of ore, which had only to be punctured to send forth continuous streams of wealth.

Says Dill, speaking of the effect of the Little Pittsburgh collapse, "The immediate results of the misfortune, were to cause a sudden decline in all Leadville stocks, to chill the advances of capital,

and to check the spirit of enterprise which had taken possession of the people who lived and believed in Leadville as a profitable field for legitimate investment. It was evident that the boom was over, and the prudent began to realize as closely as possible upon all interests not necessary to their legitimate business. Of course this disposition caused a decline in every direction, and on every side was heard the despairing cry that Leadville was gone." Under the unwarranted effort to pay dividends, nearly eleven hundred thousand dollars above the cost of mining, transportation and smelting, had been distributed among the stockholders in the course of ten months. There was no time to make proper exploration for new ore bodies, had they existed. But it was found that the principal resources of the property lay in a small part of the Pittsburgh and in greater masses in the New Discovery. To exaggerate their misfortunes, uncontrollable volumes of water poured into the lower levels from countless seams in the rocks, which necessitated the erection of powerful machinery for its extraction. Meanwhile the workmen were driven out and important developments ceased. But with all their striving no further great reserves have been found, though considerable quantities of ore have been produced from that time to the present. When the crash came, the property was little more than a shell, without promise of dividends in the future.

The ultimate issue, though hard to bear by people whose hopes had been exalted to the lofty pitch that prevailed from 1878 to the early spring of 1880, brought with it further humiliation through the loss of confidence, and the widespread belief that their cherished Leadville was broken and wholly ruined, and that in its fall had perished the prestige of Colorado as a mining region. For years afterward our State was contemptuously rated with Nevada as a rotten borough by the inhabitants of the Atlantic States. Nevertheless, instead of proving a total shipwreck of the district and the State, well defined advantages to both eventuated. It swept away the unhealthy excitement, scattered the horde of speculators and non-producers, caused the mines to be more carefully managed, gave time for necessary exploitation, instituted better

methods of economic operation, fixed the boundaries of profitable ground, and led to the establishment of legitimate procedure in every channel of business and industry. It adjusted innumerable questions impossible of settlement under former conditions. Under more rational auspices the managers were enabled to exemplify beyond the power of contradiction, that Leadville, instead of being prostrated by the cessation of speculative excitement, was really at the beginning of its greatest power for production. Instead of stocking, selling, bonding and manipulating through a horde of sharpers, whose occupation had been destroyed by the upheaval, individuals and companies owning claims either developed them, or leased their holdings to experienced miners who restored the output, by bringing scores of new sources of supply to the ore markets. All the later appliances for mining and smelting were added. It took time of course to bring about these beneficent changes, but it was done, and from that time to the present, the district has abundantly demonstrated its original claim of being the greatest mining region of the world.

The marvelous boom is one of the traditions of the camp which no man who has an abiding interest in its future desires to see reinstated. Like its predecessors and successors, it gave rise to a vast procession of fictitious values that were maintained for a few months, only to be followed by an era of depression. Denver gained more substantial benefit than any other locality from the unprecedented development, for it brought thousands of fixed residents, built the city, gave it high standing abroad, furnished boundless resources of capital, and other forces for expansion that were not transitory, but permanent. From this regenerative influence it derived the means to fortify it impreguably as the chief city of the State for all time. From the later results of that era, she has profited even more, for though the subsidence of the speculative frenzy stranded hundreds and thousands of unfortunate investors in stocks and mines, the constant inpouring of capital for investment in real estate, buildings, manufactures and com-

merce, has kept our machinery in motion and supplied funds to maintain an uninterrupted course of prosperity.

A season of great dullness supervened at the mines on the Upper Arkansas. A series of disasters followed the fall of Little Pittsburgh. The Crysolite, Little Chief and others equally celebrated, went down under the storm. It seemed as if the floodgates of omnipotent wrath had all at once been opened upon the people for excessive indulgence, and abuse of the great gifts the gods had bestowed. On the 26th of May, 1880, the miners in the Crysolite struck for higher wages,—four dollars per day and eight hour shifts. The movement was led from first to last by a bold, intelligent and vigorous Irish leader named Mooney, who, with the characteristic daring of his race, had obtained the mastery of the elements which made the strike one of gigantic dimensions. Negotiations between the malcontents and managers followed, but both being obstinate, nothing good came out of them. As a consequence the strike spread to all the principal mines, the workmen walked out and crowded into the town; organized a procession with a brass band at the head and marched to the various shafts where such as were at work were called out and joined them. While no acts of violence occurred, the demonstration was powerful and alarming, the less prudent uttering threats against life and property. Mooney held his forces well in hand, however, exercising a strong and, under the circumstances, judicious control. Great excitement ensued. The marching miners, the stoppage of the mines, the indiscreet brawlers in the ranks, all conspired to produce a sense of coming danger. No man could foretell what the result would be, but everything indicated serious disorder and bloodshed. The miners held meetings and defined their course of action. The business men and law-abiding citizens met also and gravely discussed the situation, devising ways and means to meet the emergency. After the daily scenes of confusion and dread had proceeded for about two weeks, threats to kill, burn and destroy became more and more pronounced. The citizens organized with a view to bringing the matter to a crisis. There were many in the ranks of the



John A. McKim

strikers, and others who had not joined them, who desired to return to work under former regulations, but were prevented by the majority. The citizens' committee asked the business men to close their houses, take arms in their hands, and, by force if necessary, disperse the mob, and at the same time protect such as were desirous of resuming work. Several cases of State rifles, with ammunition, had been sent up by the Governor in response to representations made to him. They formed an imposing semi-military procession, marched through the streets and displayed their strength and determination to the best advantage, but instead of quelling the rioters it only increased the hostility and turbulence. The miners, instead of being overawed, were irritated to the fighting point by the evident attempt to force them to an acceptance of the manager's terms. Though well intended, the parade proved a lamentable fiasco, for it aggravated, intensified and spread the discontent irreconcilably, coming dangerously near precipitating the awful consequences it was designed to check. Says Dill: "The moment came at last, and only the most determined efforts of the officers prevented a riot that would have caused great loss of life." During the parade, "One of the rioters, incensed at something said or done by the commander of the horsemen, fired a pistol at him. The shot caused the wildest alarm, and three or four of the horsemen charged upon the throng with drawn pistols, causing it to scatter in terror." These sadly misguided proceedings, born of the hot passions of the hour, produced universal inflammation. Then every one realized that the crisis so long delayed was about to burst forth in the red flames of war. Luckily the police appeared upon the scene in force, arrested the too impetuous riders who had provoked the startling breeze, and bore them away. Soon afterward a well organized and disciplined company of militia marched to the center of disturbance, and charging, soon cleared the streets.

This narrow escape from deadly peril inspired the better citizens to call upon Governor Pitkin for military aid. Telegrams poured in upon him all through the Saturday following. They advised him that the

sheriff of the county and the police of the city had exhausted their power to restore order, and that nothing less potential than a declaration of martial law and the presence of a regiment of troops, would preserve the peace. These demands continued by mail and wire until late Saturday night, and were renewed with even more emphatic insistence Sunday morning. The Governor, while fully alive to the gravity of the situation, was extremely averse to putting the city and county under military law. He resorted to every device to avoid compliance with the demand, realizing its consequences. He telegraphed and wrote to his staunch personal friends upon whose wisdom and discretion he relied, for private and strictly accurate accounts of the state of affairs, among them to Judge J. D. Ward, as to the necessity and advisability of declaring martial law. It was upon their answers he acted rather than those of the more excited leaders of the citizens' movement. Having been with him throughout this trying period of his administration, I speak from personal knowledge. Some of his more intimate friends and counsellors gathered about him to offer what advice and aid might be required. Suffering from an incurable disease, racked with physical pain, his mind tortured with anxiety, weak from loss of sleep, nervous and exhausted from the excitement of the tremendous strain of conflicting reports, impelled to do what was right, and only that in the performance of a solemn duty, yet unable to pierce the clouds of differing statements that came in endless profusion, he was at a loss to discover the wisest and most prudent course. He was constantly beset by the apprehension that in the heated condition of the public mind at Leadville, undue advantage would be taken of a resort to military force. If the order must be issued, who should be placed in command? It must be a man whose position with all classes was calculated to inspire respect, whose judgment, courage and skill would be exercised to the attainment of the aim in view, of abating violence and restoring peace and the orderly resumption of work in the great mines. Several were named, but rejected on the ground of unfitness for so great a responsibility. At length the name of Hon. William H. James

was suggested, and instantly adopted. The Governor asked me to telegraph for his acceptance. I did so, and, a favorable answer being returned, his commission as Brigadier General was immediately prepared and forwarded, with instructions to organize a regiment of troops and employ them to the best possible advantage. Simultaneously went the order declaring martial law in Lake County, and placing the command of all the forces in his charge. Notification having preceded the act by wire, the good effect was immediate. The troops were organized, armed, equipped and judiciously placed where the objects sought might be most speedily and effectively attained. Governor Pitkin recognized in its fullest meaning the possible and probable bearing of his warrant to suspend the civil law, and that it should not be granted except upon the most positive assurances from sources he felt bound to trust, that nothing less arbitrary would save the city. This assurance having been given by the sheriff, by the citizens' committee, and by his confidential friends, he sat down to his table, thickly strewn with letters and telegrams and nervously wrote out his proclamation. At times he would pause in the writing to say to those about him, "Gentlemen, please bear witness that I do this with extreme reluctance, but it seems to be the only solution of the difficulty, and I feel that it must be done."

Says Dill, writing from the scene of action, "The effect was magical. On Sunday night the streets were as quiet as those of any city of its size." A regiment of volunteers was quickly raised and as quickly equipped for the field. General James issued his orders and they were obeyed. All classes, none more deeply than the more intelligent of the striking miners, respected and aided him in restoring a peaceful status. It was his influence, perhaps more than the display of arms which reduced the city from rioting and rebellion to peace and order.

No further incidents of importance occurred. The long strike ended on the 18th of June, the organization dissolved, the men resumed work, and on the 26th the Governor revoked his proclamation and dis-

banded the troops. This was the first and last social crisis of that nature in the history of Leadville. The strike was without adequate cause. Its effect was aggravated and prolonged by lack of wise discretion on both sides. Properly handled, there would have been no excuse for martial law, and that it was not properly handled was directly attributable to the acts of certain men on horseback with an inordinate passion for display. There is little in the history of the case to induce the conclusion that the strikers really intended a resort to violence, and there is much to show that true valor and sound common sense on the part of the city and county authorities, had they not yielded to exterior clamor, might have dispersed the malcontents, saved great alarm and a large bill of expense to the State.

CHAPTER XXII.

HARD TIMES OF 1876-'77—DAWN OF A NEW ERA IN 1878—FIRST GREAT IMMIGRATION TO LEADVILLE—EFFECT UPON THE STATE—BUILDING OF THE CLARENDON HOTEL—DISCOVERY OF ROBINSON MINES IN SUMMIT COUNTY—TRAGIC DEATH OF LIEUTENANT GOVERNOR ROBINSON—COMPLETION OF THE RIO GRANDE RAILROAD—DISCOVERIES IN CHAFFEE, GUNNISON AND PITKIN COUNTIES—INFLUENCE OF LEADVILLE ON STATE POLITICS—FOUNDING OF NEWSPAPERS—BANKS AND BANKERS—LEADVILLE AS A SMELTING POINT.

The winter of 1876-'77 was one of great severity in the mountains, and along the plains. The agricultural sections had suffered grievous losses by the ravages of grasshoppers. The worst effects of the panic of 1873, came about the same time and, combined with a general destruction of crops, caused universal depression. The masses were poor, and many were reduced to absolute destitution.

Times were never harder or more distressing to the majority than during that season. Wages and salaries had been attenuated to the last degree; hundreds were working for their board, and other hundreds vainly seeking places at any price. While the reports from over the range gave some hope of a brighter future, they excited no deeper feeling than the wish that the discoveries made might prove equal to the anticipations of those who made them, for there was no accepted recognition; at best only a faint promise of the great flood-time of prosperity that was to issue out of them, was visible. Periodically, all through the years, from 1859 forward, similar hopes had been raised only to be dashed to pieces on the rocks of disappointment. Camps sprang up in a day, only to die of inanition the next. Denver itself was scarcely more than an overgrown village. It had

made some advances for a year or two after the arrival of railways, but in 1876-'77 its population was not more than 10,000. The Denver & South Park road, handicapped by poverty and by an exceedingly difficult and expensive route through Platte Cañon, was struggling against manifold adversities and making little progress. All about the horizon the prospect was indescribably dark and forbidding. The State had been admitted, a new and more costly government instituted, but the legislature and State officers were continually admonished to observe the closest practicable economy. It was a time which imperatively demanded the restriction of all expenditures, public and private.

The ensuing summer of 1878 brought a wonderful new epoch, filled with peace and plenty. The locusts had taken flight, the tillers of the soil were inspired with renewed courage to "plant, and sow, and reap;" the area of cultivation widened, crops were abundant, and all trains from the eastward came crowded with people; millions of fresh capital poured in, and the premonitory signs of a grand revolution dispelled the clouds, quickened the energies of men, set a thousand propelling influences at work, and turned all eyes with eager interest to the delvers beneath the porphyritic hills above the new metropolis that had arisen and already become great, from whence came glad tidings of regeneration and salvation.

The South Park, the Rio Grande and the Atchison, Topeka & Santa Fé railways were pushing into the new Eldorado, as fast as men and money could drive them, each eager to secure the rich traffic created along the Upper Arkansas, then monopolized by mule and cattle trains. Lines of stages put on from Denver and Colorado Springs, were crowded to their utmost capacity with passengers and express matter, while hundreds, unable to procure any sort of conveyance, were tramping on foot over the rugged and dusty highways. For the first time since their construction, the trunk lines from the Missouri River to Colorado found their accommodations inadequate to the constantly increasing demands upon them for cars and faster trains.

The chief city of the State, stagnant and inert before, now began to

assume the appearance of an active, bustling community. Real estate, for which there had been neither inquiry nor sale of consequence during the preceding four years, suddenly rose into unwonted prominence for safe and profitable investment. The increase of population became so great it was impossible to provide shelter for the multitudes, notwithstanding the enormous and wholly unprecedented advance of building that followed. Business locations, dwellings and lodgings, which had long stood unoccupied and unsought were filled, and hundreds added, only to be taken as soon as completed. Commerce and manufactures were strained to their utmost to meet the volume of orders that poured in upon them. Thousands seemed to be moved by a new born impulse to move westward. Hundreds of mining companies were formed; the old craze of 1863-'64 when all the discovered, and many undiscoverable mines of Gilpin County passed into the possession of eastern holders, was renewed with tenfold vigor. Not Denver alone, but all the settled divisions of the State were incalculably benefited by the new blood thus forcibly injected into their veins. Multiform new industries were inaugurated, the channels of enterprise filled to overflowing; the field of discovery and development extended from center to circumference, and its available resources were brought under fashioning hands. Therefore, when we say that Leadville was the base and moving power, which in its on-rushing force made Colorado what it is to-day, it is but the proclamation of strict historical truth. From this mighty movement sprang the prestige and the greater prominence which we have since enjoyed, and which has enlarged and strengthened our position in the center of the great West. We behold it to-day with unmistakable clearness of vision, in the concentration of influences that are gradually, but surely, making this commonwealth the most potential that has been erected between the Missouri and the Pacific Sea. It is now compelling the principal railway companies to so shorten and bend their lines, as to make it the chief center of their transcontinental traffic.

In the beginning, Chestnut street extending from the mines straight down through Leadville almost to the borders of the Arkansas

River, became by a common movement, its chief thoroughfare, but in January, 1879, W. H. Bush, Col. John Arkins, and a few other intrepid spirits, forecasting the future with characteristic perspicuity, made a quick diversion of settlement to Harrison avenue. Six months later it became the principal business artery of the town. Bush had acquired some celebrity as a hotel manager in Kansas, and latterly from his conduct of the Teller House at Central City. When the triumph of the new district began to be apparent to every mind, he converted all his available possessions into cash,—which gave him at best only a small capital,—and with it repaired to Leadville. Plunging into the very thickest of the wild scramble going on there, he soon realized from fortunate speculations in real estate and mines, funds enough to justify him in carrying out his cherished plan for a large hotel, which he foresaw would yield him a golden harvest. Selecting an eligible site on Harrison avenue, he built the Clarendon. Lumber was worth in the market \$50 to \$60 a thousand feet, and scarce, even at those figures. The greater part, perhaps all of the lumber and other materials used in this structure had to be transported over the mountains,—mainly from Denver,—in wagons at the high tariffs then prevailing. Workmen were few and wages high. The hotel was completed and opened April 10th, 1879. All the luxuries of the table, and most of the staples were brought from Denver by stage express at heavy expense. It was no sooner opened than it was filled, and thenceforward a source of great profit to its owner. It was soon supplemented by the erection of the Tabor Opera House, just a few yards above, on the same side of the street. From the date when Mr. Bush commenced the Clarendon, the future of the avenue, as the chief business emporium of the city, became a certainty. The hotel became also the headquarters of mine managers, speculators and travelers. In an incredibly short time, Bush, by the rapidity and sagacity of his financial schemes, was recognized as one of the leading spirits of the town.

The enormous immigration, and the impossibility of providing all with mining claims, since the entire face of the region round about had

been taken by prior arrivals, soon compelled a series of explorations across the divide in Summit County. Early in the spring of 1879, though the country was thickly covered with snow, multitudes turned their faces toward Ten Mile District and Eagle River. In a short time the town of Carbonateville was established, but being injudiciously located with respect to the better mines subsequently opened, it was soon abandoned and fell into decay.

The Robinson group of mines was discovered in 1878. These, with others, the White Quail, Wheel of Fortune, and great numbers of lesser value, stimulated the belief for a time that the equal, if not the superior, of Leadville had been found. The town of Kokomo, now a deserted ruin, was founded February 8th, 1879. The Robinson mines* were discovered in the fall of 1878 by Charles Jones and John Y. Shedden, who were sent out by Mr. George B. Robinson, then a Leadville merchant, who furnished the supplies, and was to be accorded one-half of each mine they might discover. In June following they found and located the ten deposits which afterward attained much celebrity, under the designation, "Robinson Group." Toward the close of that year Robinson purchased the interests of his partners, and in April, 1880, organized in New York the Robinson Consolidated Mining company, with a capital stock of \$10,000,000. The town of Robinson was founded the same year. Robinson built a fine hotel there and made the place the principal business point in Summit County; established a banking house, erected quite extensive smelting works, encouraged many public enterprises adapted to the locality, and became one of the public men of the day. In November, 1880, so great was his popularity, he was elected Lieutenant Governor of the State, though he had been a resident only two years.

Pursuing his meteoric career to its tragic conclusion, it may be stated that, owing to a dispute between his company and a party of contestants led by Capt. J. W. Jacque, over the ownership of a mine called the Smuggler, which threatened to terminate in armed conflict,

* From R. G. Dill's sketch of Ten Mile region.

Mr. Robinson placed guards, with rifles in their hands, about his property with orders to keep out intruders, and to fire upon any one not authorized, who should attempt to enter the mine. On the evening of November 27th, Robinson, while on a round of inspection to ascertain if the guards were in their places, it having been reported to him that Capt. Jacque was about to take forcible possession, went to the door of his barricaded tunnel, but without making himself known. The guard stationed inside, true to his instructions, demanded to know who was there, but without awaiting a reply, instantly fired. The bullet struck Robinson in the side, and on the 29th he died from the wound.

Thus the State lost its Lieutenant Governor, and one of its brightest and ablest young men. In the height of their prosperity, or during the time of Robinson's management, and for a short time afterward, these mines were very productive and profitable, but the yields did not continue. While they have been operated at various times with favorable results, their glory departed with the ephemeral fame of the Carbonate era, and are now but one of the traditions of that memorable time.

The Denver & South Park Railway reached Buena Vista early in 1880, but instead of proceeding to Leadville pushed on toward Gunnison, having made an arrangement for the use of the Rio Grande track, when it should be completed, for its connection with the Carbonate camp. After the cancellation of their lease to the Santa Fé, the directors of the Rio Grande pushed their road rapidly up the Arkansas River, arriving at Leadville July 20th, 1880. It was extended to Robinson December 27th, and to Red Cliff in March, 1882. The introduction of rapid transit was an important factor in reducing all things to a substantial basis.

During 1879 valuable discoveries were made in Chaffee, Gunnison and Pitkin Counties, each induced by the immigration to Leadville, from whose original population all these counties were largely peopled and developed. Much of the overflow extended to and rejuvenated the San Juan region. It led to the building of many new towns, to the



J. M. Burnell

opening of coal and iron mines in Gunnison, and to the exploration of a very large scope of country, that has since become largely productive. The first discoveries at Aspen and Ashcroft, were made by Leadville prospectors, as well as those at Red Cliff, Robinson and other portions of Summit County.

From 1879 until 1882-'83, the large population of the Upper Arkansas valley exercised a dominating influence upon the politics of the State. They sent down to the conventions at Denver overwhelming delegations, based upon their own estimates of numbers, which ranged between twenty and fifty thousand, present and prospective, and by persistent bulldozing compelled their admission to seats. As a rule, they accomplished their purposes in directing the nominations, securing for themselves a liberal allotment of the desirable offices. Though somewhat more moderate in later years, Lake County still continues to exert, if not a controlling influence in State affairs, at least a very perceptible force in shaping its political ends.

As in every other city and town, the newspapers have borne a conspicuous part in the general development and progress. The first journalistic venture was a weekly, called the Leadville "Reveille," published by Richard S. Allen, who had acquired some experience, first as solicitor and correspondent of the "Miner's Register" at Central City, and next as editor and proprietor of the Fairplay "Sentinel." In August, 1878, he moved the presses and material of the "Sentinel" to Leadville, and begun publishing the "Reveille." A short time afterward Mr. W. F. Hogan, editor of the Mount Lincoln "News" at Alma, transferred his office to the same point, changed the name of the paper to the "Eclipse," issued it in weekly form for a few weeks, and then took the bolder venture of a daily.

The greatest newspaper ever established in Lake County, and the only one that has successfully weathered the crucial tests of time, which exercised greatest influence in moulding public policy, outstripping all contemporaries and ultimately absorbing their remains; which still survives, and still continues to exert a powerful control, was the "Chronicle."

In November, 1878, three printers, John Arkins, Carlyle C. Davis and James Burnell, employed upon the Denver "Tribune," the first as foreman of the mechanical department, the second as compositor at the case, and the third as assistant foreman, were, by the circumstances subjoined, induced to form a partnership and establish a daily newspaper and job printing office at Leadville.

Burnell, younger and perhaps more impressionable than his associates, had been made somewhat restless by the exciting reports from that direction, being weary of the laborious routine of the composing room, and fired with ambition to expend his splendid virile strength in a field where fame and riches were to be gained, resolved to explore it. It was arranged with Arkins and Davis that he should go there and "prospect," either for mines or an eligible business opportunity in their joint behalf, reporting from time to time the result of such investigations. Burnell took the South Park Railway to its terminus in Platte Cañon, proceeding thence by stage to the Carbonate camp, via Weston Pass. After looking over the situation, the mines and the general aspect of affairs, he was offered a third interest in the Robert E. Lee mine for \$1,500, but scornfully rejected it as an extremely hazardous investment, since it was then but a mere prospect of no particular value, and thereby escaped the fortune of a millionaire, for only a few months later it developed into the richest mine in the district. He was not long in discovering, however, that a well conducted daily paper, with a commercial printing office attached, would be, on the whole, safer and more certain to men of his training than mining, therefore wrote his impressions to his partners, who, approving, wired him to return and report in person. He did so, and the organization of a company to perfect the scheme was immediately executed. The conference lasted most of the night.

Each had lain by from his savings about one thousand dollars, which, reinforced by a small loan, furnished the wherewithal for the purchase of type, presses and material. In the next issue of the "Tribune" their plan was announced; and the 1st of January, 1879,

fixed as the date on which the Leadville "Daily Chronicle" would make its appearance in the new field. Although their anticipations were not fully consummated as to date, they were auspiciously fulfilled toward the close of that month.

Mr. Davis started at once for St. Louis, and there purchased the requisite plant. Arkins proceeded to Leadville, secured a location on Harrison avenue, and erected a small frame building thereon, Burnell assuming his duties on the "Tribune" and managing them until the others should be ready for his co-operation. Their presses and material reached Colorado Springs January 8th, 1879, and were shipped thence over the mountains in the depth of winter. All the roads were buried in snow, and the weather was extremely cold. Several accidents occurred en route, which well nigh exhausted the patience and profane resources of the hardy freighters. Arkins had bought for two hundred and fifty dollars a squatter's title to the lot he held on Harrison avenue. As an illustration of the rapid rise of real estate in that quarter after the tide of popular selection began to center there, it may be stated that he was offered \$3,300 for his title within six weeks after the transfer.

After many vexatious delays the office was put in order, and on the 29th of January the initial number of the "Chronicle" was issued. It was a small five column folio, and sold at ten cents a copy. Arkins assumed editorial control. Mr. Davis conducted the business department, and Burnell directed the other working forces. The first day three hundred copies were sold; the second, seven hundred, and within a month they were printing and selling twenty-five hundred copies daily. Finding their material inadequate to the demand, new supplies were ordered and the paper enlarged. Before the close of 1879 their circulation mounted to 5,000 copies daily. A weekly edition, made up from the daily issues, was published every Sunday morning, when the miners were down from the hills, and the streets alive with people, all eager to secure the latest news. The growth of this hebdomadal became one of the surprising features of the enterprise. The first edition of five hundred was soon increased to seven thousand.

In reviewing the early struggles of the proprietors, Major Henry Ward, a veteran journalist, and one of the ablest and most venerated in the profession, wrote as follows: "Editorials were written on the ends of boxes; local sensations were strung out on imposing stones, the writers meantime dodging the job printers, and paragraphs were constructed on the edges of cases. The bookkeeper prodded the compositor as he moved his pen; the job foreman jostled the table of the editor as he sought a new font of type, the carrier boy squirmed around among the legs of printers, editors and all, as he came in after his papers; as the editor stretched out his feet he pried a case or two of type. At night (owing to the scarcity of lodgings elsewhere) the building served as a lodging house for the entire force, twenty in number. They corded themselves up on the floor, or laid themselves away on narrow shelves along the walls. Job work came in a literal avalanche to bewilder and almost overwhelm, and to tax type and presses and room beyond reason. Prices ruled high. Everything was cash; money came in rapidly."

The demand for the paper was so great, the presses were kept running until 9 o'clock in the evening. Its success was assured from the first issue. Every inch of available space was crowded with advertisements at any rates the business manager chose to assess, and as his modesty rarely interfered with his judgment, the bills were fearful to contemplate. As a natural result they made money at a rate that astounded them.

On the 1st of July, 1879, Mr. Burnell disposed of his interest to Arkins and Davis, retired with a net return of \$3,720 as his share of the profits from five months' operation, and thereafter engaged in mining at Red Cliff. He purchased several undeveloped claims in the mineral belt, among them the "Iron Mask." In September, 1881, he returned to Denver, and took charge of the mechanical forces of the "Rocky Mountain News," then owned by W. A. H. Loveland. May 19th, 1884, he sold the "Iron Mask" to W. F. Lay and associates for \$25,000 cash, a claim which in its development by the new owners

came to be the most productive in the region, and at one time was valued at \$2,000,000. Here a second time Mr. Burnell missed the tide that led on to a colossal fortune.

Owing to ill health and excessive application to editorial work in the lofty altitude of Leadville, Mr. Arkins, on the 1st of April, 1880, sold his interest to Mr. Davis for \$10,000, went east for a short vacation, and in June following purchased a fourth interest in the "Rocky Mountain News," of which he assumed the editorial and business management. Under the scandalous conduct of his predecessor, Barrett, the paper had fallen into a dangerous decline of patronage and character, but in a short time Arkins, by his fine abilities as a writer and superior business management, restored it to the front rank of western journals. Thenceforward the primal reputation of the "News" has been steadily maintained. On the 2d of March, 1886, John Arkins, his brother Maurice and James Burnell, purchased the entire establishment, becoming sole and equal owners. In August, 1887, Maurice died. His widow retained his interest until February, 1888, when it was purchased by John Arkins and James Burnell, the surviving partners.

As sole proprietor of the "Leadville Chronicle," Mr. Davis met with even greater success than had been achieved in the first years of its establishment, by directing his superb abilities to the conduct of his paper, and to the concentration of its power. Its rapid rise and unexampled advancement, however, soon attracted sharp competitors, the first of whom was Captain R. G. Dill of Denver, who organized a joint stock company, and on the 21st of October, 1879, began publishing the "Leadville Daily Herald." Like its predecessor, it advocated the principles of the Republican party, published a large amount of news from the mines, with other current intelligence, and soon became one of the most admirable newspapers of the State. In the heated political contests of the period, when that city largely dominated the conventions of both parties, the local Democracy, being without an organ, was placed at a disadvantage, hence Mr. Loveland, proprietor of the "Rocky Mountain News," inspired by his editor-in-chief, John M.

Barrett, resolved to establish one in the Carbonate camp. A stock company was formed and the "Daily Democrat" established, the initial number appearing January 1st, 1880. Its first editor was M. J. Gavisk, a young man possessing superior capabilities as a reporter, developed upon the Denver press, but scarcely fitted for the higher duties of chief control. It may be stated to his credit, however, that no man in the profession enjoyed a larger share of the respect and esteem of the craft than he, for he was a gentleman whom to know was to admire and love, for the perfect purity of his life and character, as well as for his incomparable excellence as a news gatherer and compiler. His delicate physique and feeble health soon gave way under the strain of these unaccustomed duties, and compelled his resignation. He returned to Denver, and became private secretary to Governor Pitkin, and soon after passed to his long account, and, it is hoped, to the eternal joy which he so richly deserved.

He was succeeded by Captain James T. Smith, an editor of much renown, capable of more hard work, perhaps, than any of his brethren, who has been more than twenty years engaged as principal editorial writer on the "News," and is to-day apparently unworn and as vigorous as when he began, and rarely known to take a vacation or suffer the slightest inconvenience from ill health. Mr. W. F. Robinson, now cashier and assistant manager of the Denver "Republican," also a graduate of the pioneer newspaper, the "News," assumed the business management. The enterprise made flattering progress under these auspices, until the great miners' strike which has been elsewhere epitomized, when, owing to a division of sentiment respecting its attitude in that crisis, Loveland withdrew, and the Leadville stockholders assumed charge, employing Colonel J. L. Bartow as editor-in-chief.

A year or two later Mr. C. C. Davis absorbed both the "Herald" and the "Democrat," and consolidated the three establishments under his personal direction and ownership. While others have attempted to invade the field, his only competitor of importance at this writing (1889) is the "Dispatch," conducted by Mr. P. A. Leonard.

A number of banks were organized during the booming period, and such as were managed by experienced and prudent men, who, by wise discrimination, knew when to grant credits and when to refuse, who avoided speculation and restricted their accounts to the basis of reliable security, were measurably successful. Three of these institutions that sprang up and flourished ostentatiously when all things were inflated to their highest tension, fell into ruin through profligate management, and two of them were shipwrecked by the dishonesty of the controlling powers.

The Lake County bank was established in May, 1878. In April, 1879, it was converted into the First National, with a capital stock of \$60,000. J. T. Eshelman was chosen president, F. A. Reynolds, vice-president, and John W. Zollars, cashier. Some time later Mr. Eshelman resigned and was succeeded by Mr. Reynolds.

The Miners' Exchange, a private bank, with a capital of \$25,000, was organized and opened for business April 15th, 1878, by James B. McFerran, George Trimble and A. V. Hunter, all of Colorado Springs.

The Bank of Leadville was organized in October, 1878, with a capital of \$50,000; H. A. W. Tabor, president, August Rische, vice-president, and George R. Fisher, cashier, and soon assumed the headship of financial affairs. Its business for 1880, as epitomized by Dill, showed total deposits amounting to \$61,000,000; checks paid, to \$31,000,000; exchange bought, \$16,000,000; exchange sold, \$15,000,000; telegraph transfers paid, \$1,334,000; telegraph transfers sold, \$412,000.

The Merchants' and Mechanics bank was established in the summer of 1879, by L. M. and L. J. Smith, with a capital of \$25,000, and the City bank in June, 1880, with a capital of \$50,000; C. C. Howell, president, James Streeter, vice-president, and S. M. Strickler, cashier.

The prodigious growth of the city, and the magnitude of transactions in ore, bullion and general traffic, frequently drained the banks of currency, when resort was had to those of Denver. Prior to the completion of the railways, when road agents haunted the stage routes,

and banditti swarmed everywhere, it was a perilous matter to transfer large sums of money from Denver to Leadville. In many cases individuals possessing honesty and courage, were employed to make the venture on horseback, or in light vehicles with swift horses. Notwithstanding the dangers apprehended, not an instance of robbery occurred.

Very few, if indeed any of the well established mines in this wonderful district can be said to be wholly exhausted, though from most of the celebrities of the first three years only a small tonnage is now produced. The Maid of Erin combination, and the Iron-Silver-Mining company are still producing enormously and have immense reserves blocked out for future supply. It is estimated by the manager of the company first named, Mr. Eben Smith, that the value of the reserves in that property, in silver and lead, ascertained by trustworthy tests, is from five to six millions of dollars, and it is undoubtedly the greatest mine in the world thus far developed. The A. Y. & Minnie group; those of the Mikado company; the Terrible, Silver Cord, Dunkin, Matchless and others on Fryer Hill, the Morning and Evening Stars, with many others, are still contributing considerable amounts of good ore.

The prestige of the Small Hopes combination, which for nearly four years paid very large dividends, the whole amounting to \$3,112,000 over and above all expenses, has waned, and the payment of dividends stopped, but the owners are not without hope that the present system of extensive exploitations will be rewarded by the discovery of other bonanzas.

From 1878 down to the time of the removal of the Grant smelter to Denver, and the Billings & Eiler to Pueblo, Leadville was the chief smelting center of the State. At present writing only four concerns are in operation there: The American, with five furnaces; the Arkansas Valley, with seven; the Harrison Reduction works, with four, and the Manville, with three.

According to local statisticians, Lake County has produced, from 1879 to 1888 inclusive, silver being reckoned at its coin value (129.29 per fine ounce), and lead at the average commercial rate, a total of

\$135,568,773, or an average of \$15,063,177 annually, for the entire period. While it is impossible to obtain the exact figures, it must be apparent to those familiar with the facts, that in the sum total are included such of the products of Summit, Eagle, Park, Chaffee, and possibly of Gunnison counties that have been shipped to the smelters at Leadville, which in some years was quite large. My own opinion is, though it cannot be justified, for the reason that there is no way of determining the amount and value of the contributions from exterior sources, that a fair average for Lake County is about \$12,000,000 per annum, or \$108,000,000 for the nine years. Even this estimate gives a larger total than any other silver mining district of the world has produced in the corresponding time.

Though the period of inflation has passed, never to return, the fame of the district is perpetuated and distinguished above all others by its great productiveness. As many fortunes are being accumulated there as at any former time, but by more legitimate methods. That the process will continue through the present generation of operators, seems highly probable. Further reference to the present condition, epitomizing its progress for the last decade, will appear in the next volume.

CHAPTER XXIII.

1878-'79—REVIEW OF THE YEAR—RAPID DEVELOPMENT—RETIREMENT OF W. N. BYERS FROM THE "NEWS"—HIS SERVICES TO THE COUNTRY—JOHN L. DAILEY—TRANSFER OF THE "NEWS" TO W. A. H. LOVELAND—DEMOCRATIC STATE CONVENTION—PROPOSED DIVISION OF THE STATE—REPUBLICAN STATE CONVENTION—F. W. PITKIN ELECTED GOVERNOR—RETIREMENT OF SENATOR J. B. CHAFFEE—ELECTION OF N. P. HILL TO THE SENATE—SERVICES IN THAT BODY.

At the beginning of 1878, ten hundred and thirty-three miles of railway had been completed and put in operation. The crops of 1877 were the largest that had ever been gathered in Colorado. The mines yielded a trifle over seven millions in gold and silver bullion. The exports of live stock were much larger than usual. The wheat crop from the small area cultivated, was estimated at 1,750,000 bushels; the corn crop at 250,000 bushels; oats, 125,000; barley, 200,000; potatoes, 325,000; hay, 100,000 tons.

According to the nearest approximate, the coal mines produced 213,077 tons. The wool clip, calculated by the same process, was placed at 5,000,000 pounds. The assessed valuation of property gave a total of \$40,882,412.36.

There were 1,552,774 acres of improved lands valued at \$7,724,794.25.

The records of the Surveyor General's office showed that 92,486 acres of land, and 314 mining claims had been surveyed in 1877.

The collections for internal revenue were \$79,225.44; the real estate transfers in Denver, as expressed in warranty deeds recorded, amounted to \$1,048,250; the Denver Water company had eighteen miles of street mains, and in winter furnished daily 500,000 gallons of



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water, and in the summer 1,250,000 gallons. Its capital stock was then but \$250,000.

The Denver Gas company, with a capital stock of \$200,000, had lain nine and a half miles of mains, and manufactured 13,000,000 feet of gas; two hundred and thirty-three lamps illuminated the streets.

The Denver Horse Railway company had eight miles of track; twelve cars; thirty-two horses, and eighteen men, and carried 392,420 passengers during the year.

The commercial value of the products of coal, hay, grain, bullion, cattle, wool, hides, etc., and of the manufactured products of the State, was placed at \$22,252,705.60.

The English, or High-line irrigating canal, from Platte Cañon, was projected in 1877.

Prof. N. P. Hill, manager of the Boston & Colorado Smelting works, perfected his plans for the re-location of his plant near Denver, and it was removed to the point now called "Argo," in 1878.

On the 5th of May, William N. Byers surrendered his pecuniary interest in, and editorial control of the Rocky Mountain "News," to an organization comprising Kemp G. Cooper, manager; W. B. Vickers, editor; William F. Robinson, secretary and treasurer; W. R. Thomas, city editor, and L. B. France, attorney. Thus, after nineteen years of continuous work, the man who established the first newspaper in the Rocky Mountain region, began and perpetuated the history of Colorado; who, in the process of the years, had intelligently explored and graphically described, for the benefit of his contemporaries and successors, every portion of the country, traced every stream to its source, witnessed the founding of every town and hamlet; who had passed through all the storms of the earliest epoch, had led the political and every other form of progressive movement, and from whose writings the world obtained the greater part of its current intelligence of the resources and development of the Territory, and who established, or at least was largely instrumental in locating two of our three great colonies,—passed out of the office wherein he had been a potent counsellor and guide, into

the walks of private life, leaving to other, albeit able minds, the duty of carrying on to a higher consummation the grand work he had begun. Mr. Byers was as much a part of Colorado as the laws that had been enacted for its government; the embodiment of its annals, the directing spirit of its public institutions and enterprises. The growth of his newspaper had marked and reflected the development of the Territory and the opening years of the State, and to the full extent of his efforts, promoted their advancement. His energy and courage, his unsurpassed knowledge of the entire region, and his well grounded faith in its great destiny, his incessant labors for its welfare, and the success which crowned his endeavors, are known of all men. The Republican party especially, owes much of its long continued supremacy to his sturdy advocacy of its principles and its candidates.

It would be unjust to close this sketch without according at least a word of commendation to his nearest friend, comrade and earnest co-laborer, Mr. John L. Dailey, who seconded and sustained these efforts, and bore no insignificant part in the work accomplished. He entered the firm in 1859, taking charge of the business department, and continuing in that responsible position until a short time before Mr. Byers sold out, frequently, in the meantime, contributing to the columns of the paper. In his public and private life, in the admirable equanimity of his temper, his innate goodness of heart, his strong sense of justice and the uncompromising uprightness of his dealings, Mr. Dailey comes very near realizing our highest ideal of a perfect man. Any person who has passed through the stormy inceptive stages of a Territory like ours, holding a continuous residence of thirty years without provoking hostile criticism, and has stood as a model of his kind, enjoying universal respect and boundless confidence, has certainly lived his life worthily before God and man,—therefore deserves a niche in the history of his country, even though he may not have achieved political or other eminence by which our great men are distinguished. These excellencies of character had something to do in shaping the course of the great newspaper. He was to Mr. Byers a strong and companionable

assistant, always true, safe, self-reliant and efficient, an important feature of the internal organism of a journal that exercised much influence in the land ; the force which supervised the details and kept things in working order, like a skillful engineer whose hand directs the intricate machinery of a great power. In the various public trusts to which he has been called, he has met to the fullest degree the confidence reposed in him, and when named for them it has been accepted as the nomination of one who would discharge the duties with scrupulous fidelity.

On the 16th of July, 1878, the "News" was sold to W. A. H. Loveland, and thereby passed from Republican to Democratic control. Cooper, Vickers and Thomas were superseded by Mr. Loveland as proprietor, Captain James T. Smith as editor, and M. J. Gavisk, city editor. The Rocky Mountain News Printing company was then reorganized as follows :

President.—W. A. H. Loveland.

Vice-President.—James T. Smith.

Secretary and Treasurer.—William F. Robinson.

Attorney.—James F. Welborn.

No event of the day excited so much comment as this. To the Republican politicians who had followed it as leader and guide through so many years, it seemed as if the foundations of the city had been pulled out, a general metamorphosis created. Falling as it did on the eve of the State campaign, and of the convention of the Democratic party, it acquired important significance, since it heralded the acquisition of a new lever of power for the advancement of that party, and indicated a more vigorous and a more successful issue in the coming election.

The Democrats met at Pueblo on the 17th of July, by the call of Hon. Hugh Butler, Chairman of their Central Committee. M. B. Gerry was elected Chairman and J. D. Henry, Secretary. It was apparent from the beginning that Mr. Loveland would be the nominee for Governor, and T. M. Patterson for Representative in Congress,

without division. Many ambitious politicians from Leadville attended, to assert their claims to a share of the nominations.

The following ticket was produced :

For Representative in Congress.—Thos. M. Patterson of Arapahoe.

For Governor.—Wm. A. H. Loveland of Jefferson.

For Lieutenant Governor.—Thomas I. Field of Conejos.

For Secretary of State.—John S. Wheeler of Weld.

For Treasurer of State.—Nelson Hallock of Lake.

For Auditor of State.—John H. Harrison of Fremont.

For Attorney General.—C. Yeaman of Las Animas.

For Superintendent of Public Instruction.—O. J. Goldrick of Arapahoe.

For Regent of State University.—Junius Berkley of Boulder.

For Chairman of State Central Committee.—Harley B. Morse of Gilpin.

The political complexion of the "News" having been changed, the "Tribune" became the principal organ of the Republicans. On the 1st of June the author of this history assumed editorial control of the "Evening Times," under R. W. Woodbury, its proprietor. July 22d following, Mr. W. B. Vickers succeeded Major Henry Ward as editor of the "Tribune," thus effecting a general change of writers on the chief papers of the city at the outset of the campaign of 1878.

The action of the Republican convention in 1876, whereby the candidates for Representative in Congress, Governor, and for a majority of the State offices were selected from the northern division, and the subsequent election of both Senators from the same section by the General Assembly, gave rise to great dissatisfaction in the south,—notwithstanding the fact that the result was accomplished through the inability of the delegates from that section to agree,—when certain self-proclaimed representatives of the people, early in 1877, boisterously declared, that, inasmuch as the honors had not been fairly distributed, the State should be divided and a new government established upon the precedent which caused the division of the State of Virginia during the war of the

Rebellion. This declaration, although advanced by a small coterie of disappointed place seekers, developed, by constant iteration through the public journals, pronounced and aggressive antagonism to the State government as then constituted, taking the form of vicious attacks upon the selfishness and domineering spirit of the north. Until recent years there had been a marked disparity of material growth in the region south of the divide, its rival having outstripped it in railway and other improvements, in the extension of agriculture, mining and general progressiveness. It controlled also the political patronage, State and Federal, which was seen to be the most serious grievance complained of. Early in 1877 the feelings of jealousy began to find expression in a demand for separation, and the organization of a new Territory or State, to embrace all the region south of the natural divide, to be called the Territory, or State of "San Juan." While the people at large were far too sensible and loyal to accept this revolutionary method of adjusting their political differences, many acquiesced and encouraged the proposition, with a view to forcing the politicians of Denver into conceding to them one Senator, the Governorship, and an equal share of the other important offices in the next nominating convention. Acting upon this ulterior purpose, the controversy grew quite animated as it came to be comprehended to what use the agitation could be put toward forwarding the design. The Del Norte correspondents, to whom the discussion was mainly confined, proposed to make that place, then a town of about two thousand inhabitants, the capital of the new State, and urged the people of Southern Colorado to set aside all other differences, and unite *en masse* in a movement for secession. They were urged to hold meetings in every town, elect delegates who should assemble at some central point, and there frame, adopt and sign a memorial to Congress petitioning that body for a division of the State, with certain boundaries, including a portion of New Mexico. Pueblo, though by no means averse to the underlying object of punishing Denver for its arrogant assumption of superiority, ready to foster any scheme, however impracticable, which had that for its main intention,

rebelled against the proposed seat of government. If the south seceded, Pueblo, and not the little upstart town at the base of the San Juan Mountains, should be the center and directing head, and unless this were conceded, there would be no secession. However, the belligerent fulminations continued, but the instigator rather overshot the mark by suggesting as one of the strongest clauses to be inserted in the memorial to be sent down to a radical Congress, the fact that the southern half of Colorado had been settled by people from the late Confederacy, while the north had been peopled by Yankees, and since these radically diverse elements could not be successfully assimilated, an insurmountable fence should be built between them.

Notwithstanding the absurdity of the proposition it gained some adherents, whereupon, Mr. W. B. Felton, editor of the Saguache "Chronicle," a man given to thoughtful consideration of public questions, and loyal to the State as it stood, when the agitation had proceeded far enough to indicate its effect, published a well digested leader, denouncing the enterprise as unnecessary, visionary and chimerical. He knew of none except the correspondents, who favored a division. As to the claim set up that the people from Manitou to the Raton Range were enthusiastically favorable to the change, it was simply a preposterous fabrication. Nevertheless, the communications multiplied until July 4th, 1877, when the scheme was ridiculed out of existence by an exceedingly clever burlesque procession devised by E. K. Stimson and a party of humorists, who proclaimed the division as an accomplished fact, and that the Governor elect of the new State of San Juan (Stimson) would make his triumphal entry into the capital (Pueblo) at the head of all the people on that day, and be there crowned, inducted, installed and invested with the insignia of rulership, with bewildering pageantry and unheard of ceremonies. Stimson's inaugural, comprising an original Declaration of Independence, and bristling with pungent recommendations for the government of the new commonwealth, being published and scattered through all the southern counties, immediately routed the seceders horse, foot and dragoons, and



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no more was heard of them. Two days later the business portion of Del Norte was almost entirely destroyed by fire, and with the devouring flames disappeared the last vestige of this formidable (?) uprising.

Senseless and extravagant as the movement was, it was not wholly barren of important results, since it brought forward in 1878 a distinguished man for the chief magistracy. In February of that year the name of Frederick W. Pitkin, a resident of Ouray, was suggested from that quarter as the choice of the southern division. It was taken up and constantly advocated by the press of the San Juan country, earnestly seconded by Pueblo, Colorado Springs and the entire southern tier of counties. They had found a candidate, eminently worthy of being presented for the suffrages of all the people. The Republicans of the north, mindful of the importance of conciliating the southern element of their party, instantly acquiesced, though Mr. Pitkin was a total stranger to them, he having been a resident of the State but thrée or four years, and during that time scarcely known outside of Pueblo and Ouray.

The Republican State Convention met in Denver, August 7th, 1878, J. P. Maxwell of Boulder, presiding, W. H. Bush of Gilpin acting as Secretary. The following ticket was nominated :

For Representative in Congress.—James B. Belford.

For Governor.—Frederick W. Pitkin of Ouray.

For Lieutenant Governor.—Horace A. W. Tabor of Lake.

For Secretary of State.—Norman H. Meldrum of Larimer.

For Auditor of State.—Eugene K. Stimson of Pueblo.

For Treasurer of State.—Nathan S. Culver of El Paso.

For Attorney General.—Charles W. Wright of Arapahoe.

For Superintendent of Public Instruction.—Joseph C. Shattuck of Weld.

For Regent of State University.—Horace M. Hale of Gilpin.

For Chairman of the State Central Committee.—Wm. A. Hamill of Clear Creek.

On both sides the principal interest centered in the nominees for Governor and Congress,—Pitkin against Loveland, Belford vs. Patterson. On the 14th of August, a third party known as “Greenbackers” entered the field with the following candidates :

For Governor.—Dr. R. G. Buckingham of Arapahoe.

For Lieutenant Governor.—P. A. Simmons of Hinsdale.

For Secretary of State.—J. E. Washburne of Larimer.

For Auditor of State.—Charles O. Unfug of Huerfano.

For Treasurer of State.—W. D. Arnett of Jefferson.

For Attorney General.—Alpheus Wright of Boulder.

For Chairman of State Central Committee.—D. B. Harris of Clear Creek.

At the election held October 2d Belford was elected to Congress, and this time took his seat without a contest. All the candidates of the Republican party were chosen and inaugurated in January, 1879. Governor Pitkin was a native of Manchester, Connecticut, born in 1837. He was graduated at the Wesleyan University in Middletown, Connecticut, and subsequently at the law school in Albany, New York, in 1858, whence he moved to Milwaukee, Wis., and there began the practice of his chosen profession, acquiring much distinction for his ability and the thoroughness of his work. In 1872 his health became so seriously impaired as to necessitate a change. He went to Minnesota, but failing to recuperate there, or in any other of the Eastern or Southern States, he was taken to Switzerland. After repeated attempts to discover in foreign lands a beneficial climate, he came to Colorado, where he improved rapidly, but never mastered the insidious germs of pulmonary disease. He was a lawyer of superior attainments, an effective speaker, and sturdily honest in every detail of his public and private life. He was re-elected in 1880, and at the expiration of his second term took up his residence in Pueblo. Both terms were filled with exciting incidents, which will appear as we proceed.

Senator Chaffee had been for some months suffering acutely from ill health, contracted during the exciting struggle for the admission of



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the State during the Forty-third Congress, and in the spring of 1878 his nearest friends began to apprehend a fatal termination. J. C. Wilson had resigned the chairmanship of the Republican committee to accept the Collectorship of Internal Revenue for the District of Colorado, and Capt. W. H. Pierce had been appointed in his place. While it was understood that Mr. Chaffee would not be able to direct the campaign of his party in '78, he was still its leader. On the 30th of May he wrote from New York to Chairman Pierce, stating the condition of his health, declining to be a candidate for re-election to the Senate, and announcing his withdrawal, for the reason given, from further active participation in the politics of Colorado.

This letter superinduced a new phase of affairs. The managers were filled with amazement by this sudden and wholly unexpected blow, which deprived the party of its champion. They awoke to the consciousness that the party was without a directing hand, and they sought in vain for a successor possessing the requisite power of leadership. They had been so long accustomed to relying upon his strength, to moving in harmony with his superior judgment, to leaving the organization and management of campaigns to his tried and true sagacity, it now seemed as if they could not proceed without him. Naturally enough, the Democrats rejoiced over the event, as it removed, as they believed, the chief obstacle in the way of their success.

Efforts were made to induce a recall of his decision, but without effect. In casting about for a leader competent to take up the work which Mr. Chaffee had surrendered, and fit to succeed him in the Senate, the majority finally settled upon Professor Nathaniel P. Hill, manager of the Boston & Colorado Smelting company, a gentleman who had been an active worker in the party, possessed great wealth, scholarly attainments of the highest order, and was disposed to accept the tender, if made with assurances of cordial support. Desirous of ascertaining Mr. Chaffee's opinion of the step and of securing his co-operation and indorsement, Mr. Hill wrote him a candid statement of the case, and awaited his reply before taking definite action.

On the 8th of July the answer came, expressing the hope that Mr. Hill would be a candidate for Senator, but that he (Chaffee) could not, owing to feeble health, promise him any personal aid, as he would not be in Colorado during the canvass. He had no doubt of the success of his party, but understood there would be several candidates from the South, though it was doubtful if the party would be able to unite upon any person from that quarter. Said he, "The office of United States Senator is a very high position, but I would not accept it for life, if offered. I would be greatly pleased to see you in that position, for personal reasons and for public reasons." After defining his plans for the future should his health be restored, he adds,—“I think a great many of my friends will be yours if you are a candidate, probably a large majority of them. I duly appreciate your friendship to me in the past, and hope you may succeed in whatever you undertake.”

Upon these assurances Mr. Hill became a candidate for election to the United States Senate, and in that behalf heartily supported the ticket nominated in August, contributing largely of his ample means toward the expenses of the canvass.

About the last of December, and just prior to the meeting of the General Assembly, in which the Republicans had a considerable majority, it came to be reported that Mr. Chaffee, having recovered his health and recuperated his fortunes by profitable investments in the Leadville mines, would stand for re-election to the Senate, notwithstanding his oft-repeated declaration that he would not accept the position if offered. It was seen of all men that, after his emphatic declination of May 30th, and his subsequent letter to Mr. Hill, he could not, with honor, re-enter the field. Furthermore, he had revisited Colorado in the meantime, and while here advised his friends to support Mr. Hill, as he (Chaffee) could not under any circumstances permit his name to be used. But it so happened that some of his more ardent friends, who would rather have been represented in the Senate by Chaffee's hat and

overshoes than by any man whose name had been brought forward, persisted in their determination to elect him anyhow, regardless of protests, and in defiance of his personal remonstrances. It not only placed Mr. Chaffee in a very embarrassing position, but divided his friends, arraying them against each other in deep hostility. The majority of his admirers, who would under other conditions have been only too glad to honor him with a seat in the Senate so long as it might please him to retain it, should their party hold its political supremacy in the State, acting upon his letter, supplemented by his personally expressed desires, had pledged themselves to Mr. Hill, and felt in honor bound to sustain his cause. They comprehended fully that any other course would place him and them in a false and untenable position.

In May, 1878, Prof. Hill having purchased an eligible site for his smelting works, began erecting a large and complete new plant thereon. He had moved his family from Black Hawk to Denver, and was thenceforward to be a resident of that city.

The "Tribune" and "Times" earnestly advocated his cause before the people, and were seconded by a majority of the Republican papers in the northern division of the State.

The legislature convened in Walhalla Hall, at the corner of Curtis and Sixteenth streets, January 1st, 1879, and after organizing and effecting the preliminary work, such as inaugurating the Governor elect, counting the votes for State officers, etc., began actively to canvass the candidates for the United States Senate. A majority of the Republican side were unqualifiedly favorable to Mr. Hill. The minority being from the southern districts, had candidates from that section which, for a time, divided the vote. Mr. W. A. Hamill, chairman of the State Central committee, a leading politician and one of the ablest managers in the party, stated that Mr. Chaffee still persisted in holding to his letter of declination. There was but one condition under which he could be induced to permit the use of his name,—an absolute failure of his party to agree upon any other candidate, a contingency so remote it could not be anticipated.

The Senate organized by the election of Hon. James P. Maxwell of Boulder, a superb parliamentarian, as its presiding officer *pro tempore*, while the House chose Rienzi Streeter of Longmont for its speaker. The candidates named for the office of Senator were N. P. Hill, Thomas M. Bowen of Rio Grande, John L. Routt, H. A. W. Tabor, William A. Hamill of Clear Creek, W. S. Jackson of El Paso, George M. Chilcott and Henry C. Thatcher of Pueblo. Ex-Governor John Evans also was named as one of the possibilities.

The Democrats found no difficulty in reaching a conclusion. They met in caucus and named Hon. W. A. H. Loveland, and when the day for balloting arrived, cast all their votes for him. After much preliminary caucusing and skirmishing, on the 9th the Republicans held a caucus and on the fourth ballot nominated Nathaniel P. Hill. This result was brought about by the constant efforts of his strong combination of powerful friends, W. A. Hamill, Henry R. and Edward O. Wolcott, Charles H. Toll, James P. Maxwell, W. D. Todd, M. Spangler, Col. L. C. Ellsworth, Clinton M. Tyler, and others, who wrought unremittingly in his cause.

It may be said that no man in Colorado has entered upon a public career with more or stronger friends than Mr. Hill. They comprised the greater part of the sturdy forces that had surrounded Mr. Chaffee and insured his triumphs. They were disposed to stand by and support his successor. It was expected, therefore, that a career which had been so auspiciously inaugurated would endure through as many years as it should please him to occupy the great position to which he had been elevated. But it was not long before irreconcilable antagonisms arose between the friends of Chaffee and Teller on the one side, and those of Hill on the other. Strife and contentions succeeded here and at Washington, over the control of federal patronage; jealousies and bickerings provoked and aggravated a conflict that has continued to the present time.

During his single term in the Senate, Mr. Hill gave much considerate attention to the financial problems of the country, and in due



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time produced a clear and profound analysis of the much debated silver question, then and now a matter of vital interest to our industrial population. He delivered a number of well digested speeches on this question to the Senate, and in New England cities the seat of opposition to the full remonetization of the white metal; wrote strong papers on the subject for the "North American Review," and by the force and subtlety of his arguments attracted extraordinary attention to it throughout the country, and thereby came to be recognized as the leading exponent of the cause of remonetization and free coinage. From that time to the close of 1889, though the subject has taken deep hold upon the people of the West and South, and has gained many converts in the Atlantic States, no steps of consequence have been taken by Congress looking to the restoration of silver as a standard of value in our monetary affairs. But there is no doubt that the facts he presented, embracing the history of the use of silver as money among the nations, and the peril of forcing it out of our circulation, had much to do with staying the tide of opposition to the continuance of coinage under the Bland Bill, by furnishing the advocates of silver with unanswerable reasons for their faith.

During his entire term of six years, Senator Hill devoted himself actively to needed legislation for his State, and to securing important concessions from the several departments. His residence became a conspicuous social center, the entertainments there given to Senators, Representatives, officers of the government and the diplomatic corps, being among the most brilliant of the period.

CHAPTER XXIV.

INDIAN AFFAIRS—SOME REFLECTIONS ON THE ATTITUDE OF THE GOVERNMENT TOWARD ITS WARDS—VIOLATIONS OF TREATIES—FATHER MEEKER'S ATTEMPT TO CIVILIZE THE UTES, AND ITS TRAGIC ENDING—THE MASSACRE OF THORNBURG AND HIS MEN—ARRIVAL OF GEN. MERRITT—MASSACRE OF MEEKER AND HIS EMPLOYEES—THE WOMEN CARRIED INTO CAPTIVITY—THEIR RESCUE BY OURAY AND GEN. ADAMS—THE INVESTIGATION—SKETCH OF THE GREAT CHIEF OURAY—HIS LIFE AND CHARACTER—CHIEF, STATESMAN AND DIPLOMAT.

Governor Pitkin had scarcely been installed in the executive office before he was confronted by the most extensive outbreak among the Ute Indians that has ever marked our connection with that tribe. Like most difficulties with this and other Indian nations, it was directly ascribable to the neglect and indifference of the Indian Bureau at Washington. The government may have faithfully observed its part of the conditions of some treaties negotiated with its savage wards, but it has violated more than it has kept. Nearly all treaties provide certain appropriations to be expended for annuities, as stipulated in the negotiations. The savage, ignorant of the forms of business, and especially of the intricate and mysterious forms employed by the government, is easily cheated, but he never forgets the promise of annuities. The Indian Bureau has been for nearly a century the center of transactions that will not bear rigid scrutiny. Governor McCook was right in declaring it to be stronger than the government itself, and some of its ways are past finding out. John Lothrop Motley wrote, that the history of Europe can never be written until the secrets of the Vatican are exposed. It may be said also that the history of the dealings of our government with its copper-colored wards, will never be known until the secrets of the Indian Bureau are brought to light.

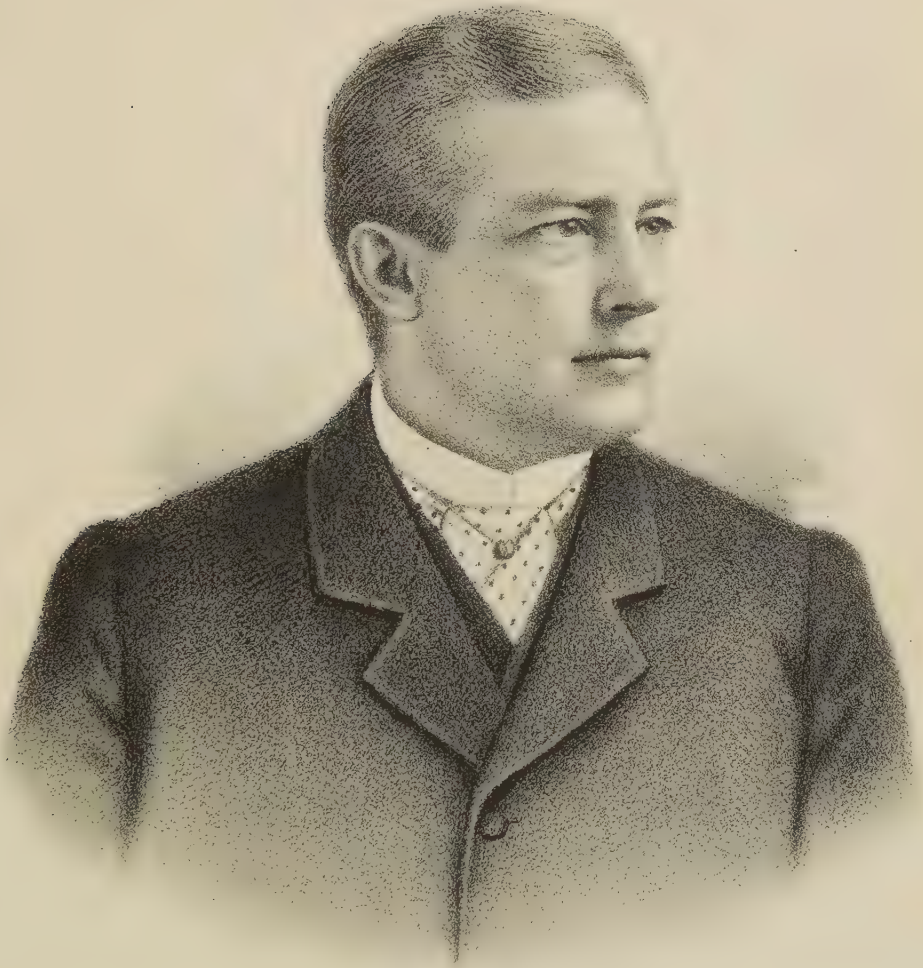
While the march of civilization has driven the Indian back, rolled over and crushed him; while conflicts between the races have been bloody and cruel as all wars must be, for as General Sherman puts it, war is cruelty and you cannot refine it, it is none the less true that the attitude of the government itself toward the peoples with whom it has mistakenly treated as distinct nations, has resulted in the spoliation of their lands and scandalous negligence of treaty obligations. To neglect and pillage may be traced nearly all the uprisings, and most of the more destructive wars.

The horrible massacre at White River, in 1879, sprang out of the causes just mentioned. When Ouray's band was located on the Uncompahgre and that of Chief Douglass on White River by the treaty of 1868, and when by subsequent negotiations in 1874 the San Juan mining region was surrendered, it was provided that each band should receive certain annuities of money and goods. A large warehouse for the storage of Indian supplies was established at Rawlins, Wyoming, and the consignments sent there. If there is any one season of the year to which the savage to whom the government is indebted by treaty looks forward with more eagerness than another, it is that in which he is to be presented with blankets, provisions, trinkets and gewgaws, and there is no one thing in which he has been more frequently disappointed. On the occasion under consideration, the time for the distribution of the annuities to the White River Utes had passed, and though frequently urged to haste, the Bureau at Washington calmly ignored the whole business. The Indians complained to the agent, and he to the Governor, and he in turn to the department, but in vain. Meanwhile, the Indians went hungry and naked. As time passed they grew morose and ugly. Then they began to wander off the reservation and make reprisals upon the settlers.

Early in 1878 Mr. N. C. Meeker, a venerable philanthropist from the Atlantic humanitarian school, bred under the teachings of Horace Greeley, was at his own urgent request, appointed agent for the White River Utes. Thoroughly imbued with the idea of educating, refining

and christianizing these wild red rovers of the mountains, and longing for an opportunity to put his well matured theories into effect; confident of his ability to bring about a complete transformation in the lives and natures of those who had been placed under his direction, by educating and teaching them to cultivate the soil, to live in houses and adopt the ways of the Caucasian, he entered upon the work with deeper enthusiasm perhaps, than upon any other undertaking of his life. His ideals were splendid, eminently worthy of the man and the cause, but he had to do with men and natures of which he knew very little, whose instincts were savage and brutal; whose only desire was to be left wholly free to do as they pleased; if they wanted anything, to take it, and if it must be by force, so much the better, and who despised every form of manual labor as intolerable degradation. Their highest ambition was to hunt, kill and destroy, and their chiefest pleasure to drink whisky and scalp isolated settlers. When Father Meeker undertook to eradicate these natural instincts inherited from numberless generations, and implant civilization instead, he attempted an impossibility. While it is true that some of the national schools for the education of the children of the aborigines have made some progress, and are very beneficent institutions, the instances are rare in which the savage instinct to roam, fight, steal and plunder has been repressed, and when those children are permitted to return to their tribes and grow up with them, that they do not fall back into the primitive state of savagery. The only way to civilize the offspring of the wild Indian is to separate them from the tribes at once and forever, and by amalgamation with the Caucasian the savage instinct will be in time, extirpated.

No man has entered upon a like mission with purer or loftier purposes than Mr. Meeker. In attestation of his faith in the outcome, he took with him his wife and youngest daughter, with a number of employes from the Union colony, to aid the great work of regeneration and redemption. Though kind and just, he was eminently methodical in all his ways, withal obstinate and unyielding. The system employed for the government of the agency and of the Indians, though well



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intentioned, and all right and proper for the regulation of a colony of white men, was not calculated to impress the natives with any extravagant desire to place their necks under the yoke he held out to them. He expected them to submit to a discipline which, could they have been brought to it, would have been good for them, but without which his theories and plans must assuredly fail. The Indians refused to submit, and when urged, got mad, broke over the bounds, and, filled with disgust, went out and harassed the settlers, stole their property and fired the forests for miles around.

These proceedings aroused the country, and soon a stream of petitions and letters went to the agent and the Governor, loudly demanding that the Indians be kept on their reservation. The rebellious Utes in turn demanded the delivery of their annuity goods, and the removal of Meeker, because they could not get along with him. All this time and in this ugly temper they were plotting deeper mischief, and those who had knowledge of their feelings and movements, predicted serious consequences.

About two months before the final outbreak,* in which many lives were sacrificed and much property was destroyed, four chiefs, headed by Capt. Jack, came to Denver for a conference with the Governor, before whom they urged the removal of their agent, for reasons already stated. He wanted them to work, they said, and they wouldn't work. It was beneath the dignity of an Indian warrior to harden his hands with toil. He wanted to educate them, and they didn't want to be educated. He wanted them to build houses and live in them, but they preferred the tepee and the open air. After a thorough examination the Governor comprehended what was coming, and immediately advised the authorities at Washington that, unless measures were soon taken to prevent an uprising, these Indians and their followers would take the war path. The receipt of this communication was acknowledged, action promised, and there the department rested, in the

* Material facts condensed from the account prepared by W. B. Vickers, private secretary to Governor Pitkin,—History of Colorado, O. L. Baskin & Co., Chicago, 1880.

sublime consciousness of having performed its duty. Mr Meeker wrote Pitkin that the Indians could not be kept on the reservation without the aid of the regular army, and implored him to place the true condition of affairs before the proper authorities. At length Gen. John Pope sent a single company of colored cavalry to scout in Middle Park. Now if there is anything on the face of the earth that an Indian hates above another it is a negro, and especially a "nigger soldier." Therefore, this movement, instead of quieting their hostility, merely inflamed it. They kept out of the way of the troops, but watched them from the neighboring hills, itching all the time for a good opportunity to swoop down upon and massacre the entire body.

Matters were brought to a crisis shortly afterward. Major James B. Thompson, who had been commissioned agent for the Utes during McCook's administration, knew all the chiefs and most of their followers by name, and had been just and good to them, at the expiration of his term took up a ranch on Bear River in Middle Park, and built a cabin thereon. During his temporary absence from home, two Utes named Bennett and Chinaman, went there and burned the house. Thompson appeared before Judge W. E. Beck of the First Judicial district, and procured warrants for the arrest of these two Indians. The writs were placed in the hands of Marshall Bessey, sheriff of Grand County, who, with a small posse attempted to execute them, but after a long and fruitless chase it had to be abandoned. The entire band knew of the pursuit, had obstructed it as far as they could, and kept Bennett and Chinaman advised of every movement. The posse visited Mr. Meeker at the agency. He endeavored to aid them in discovering the guilty parties, but unavailingly. This action added another cause of complaint against him, and, moreover, he had had some trouble with Johnson, a "medicine man," when the latter assaulted and seriously injured him. The white men working in the fields were fired upon. The very devil seemed to possess them, and it was evident they were spoiling for a fight. They accused Meeker of writing lies about them to the Denver papers, and of sending to the military posts for troops to

come and protect him against them. Jack was the actual leader of the insubordinates. Having been raised by a Mormon family, he spoke English with tolerable fluency, and while Douglass was the head chief, he had no considerable following.

In talking with some of the white men who visited him that summer, Mr. Meeker said: "I came to this agency in the full belief that I could civilize the Utes, teach them to work and become self-supporting; that I could establish schools and interest both the Indians and their children in learning. I have given my best efforts to that end, always treating them kindly but firmly. They have eaten at my table, and received continuous kindness from my wife and daughter, and all the employes about the agency. Their complaints have been patiently heard, and all reasonable requests granted, and now the man (Johnson) for whom I have built the only Indian house on the reservation, and who has frequently eaten at my table, has turned upon me without the slightest provocation, and would have killed me, but for the white laborers who got me away."

He was even then warned of an impending outbreak and implored to leave the agency at once, as it was plain the Indians were plotting his murder; but he resisted on the ground that his duty kept him there; and he would send for troops and thus prevent further evils. In the meantime, the representations made by Governor Pitkin reached Gen. Sheridan, who, according to his custom in dealing with public enemies, acted promptly. It was evident to all observers that Jack and his followers meant to have Meeker removed and the annuity goods distributed, or go to war. They were armed with fine Winchester rifles, and well supplied with ammunition. In pursuit of their aims they had induced a large number of young bucks from the Uncompahgre agency to join them.

By Sheridan's order, Major Thomas T. Thornburg, commanding Fort Steele, Wyoming, took three companies of cavalry and one of infantry and marched with all speed from Rawlins on the Union Pacific railroad, across the country toward the reservation. While no Indians

were seen, they were on his trail, and watching every movement. When arrived at Bear River, sixty-five miles from the agency, Jack, accompanied by a few of his braves, appeared to him while in camp, and after stating that they were out on a hunt (which was a lie), asked Thornburg the destination and purpose of his expedition, and was told that it was bound to White River. It is not known what transpired at this interview, but at a later time Jack said Thornburg was insolent and defiant, and he made up his mind to teach him a lesson. Nevertheless, he proposed to escort Thornburg and five soldiers direct to the agency, and there have a hearing of his grievances before agent Meeker. The commander apprehending treachery, declined, and went on to his fate.

Jack measured up the full strength of the command, and laid his plans accordingly. There was but one practicable route to White River, and that lay through a narrow defile with high bluffs on either side. There he posted his warriors and awaited the soldiers. When the command reached Milk Creek, a tributary of the Bear, twenty-five miles from the agency, and within the reservation, a large body of Indians confronted it in line of battle, and evidently prepared to dispute the passage. Thornburg seeing the death trap into which he had been drawn, instantly made his preparations, but his orders not to attack the Indians being positive, he formed a line of battle and awaited attack. The Indians promptly flanked him, and with the customary war-whoop, opened fire. His wagon train had been corraled about three-fourths of a mile to the rear. The Indians by a quick movement threw themselves between the troops and the train. Thornburg took twenty-five mounted men and at their head made a furious charge. The savages killed him and thirteen of his men, but the remainder succeeded in reaching the wagons, whither their comrades had retreated. The Indians surrounded and poured a galling fire upon them. Every officer except one,—Lieut. Cherry of the Fifth Cavalry,—had been shot, and more than one hundred and fifty mules killed.

After Thornburg's death, the command devolved upon Capt. Payne of the Fifth Cavalry, who, though wounded, made the best disposition

possible under the circumstances, by digging entrenchments and using the wagons and their contents for breastworks. To increase the horror of their situation, the Indians set fire to the grass and sage brush, to windward, which rolled dense clouds of smoke upon them. There being no water at hand, the soldiers managed to keep the flames out of their works by smothering them. The enemy, posted on the bluffs above, picked off every man and animal to be seen. The troops could neither advance nor retreat. Toward the close of this awful day, Jack ordered a charge, in the hope of killing all the survivors in the pit, but was gallantly repulsed, when he returned to the hills and resumed the old tactics of picking them off in detail.

That night a heroic scout named Rankin, made his way on horse-back out of the camp, and rode hard and fast toward Rawlins, one hundred and sixty miles distant, to alarm the country and procure succor for the beleaguered troops. That he lost no time is assured by the fact that he covered the distance in twenty-eight hours. Other couriers were dispatched in search of Capt. Dodge's troop of colored cavalry, then supposed to be approaching from Middle Park. Luckily Dodge was intercepted without much delay, and though hampered by a wagon train, he abandoned it and galloped with all speed to the relief of his comrades in their deadly peril. Fortunately his route was so wisely chosen as to bring him to the entrenchments without detection by the savages. On being informed of the state of affairs, he bravely volunteered to storm the bluffs with his colored troops and drive out the Indians, but Payne, knowing it would be certain death to him and all his men, refused permission.

While the arrival of this reinforcement strengthened and encouraged Payne and his little band, it was powerless to rescue them. The pass could not be charged, and to fire at an unseen foe was a sheer waste of ammunition. Meanwhile, Rankin had sent the startling intelligence of Thornburg's defeat and death, and the terrible condition of the camp, far and wide. Gen. Wesley Merritt, one of Sheridan's most successful commanders, quickly collected a large force from different posts on the

railroad, and hastened to the scene, marching night and day. His command reached the encampment early Sunday morning, October 5th. The troops he found there had been hemmed in and shot at almost continually for six days. The stench from the decaying bodies of animals was almost intolerable. The sufferings of the men can never be described. It was a pitiful sight that met the eyes of this brave soldier as he entered the entrenchments that bright Sunday morning.

After burying the dead, caring for the wounded and collecting what could be saved from the wreck and ruin, he pushed on toward the agency, the Indians having abandoned the fight and disappeared as soon as his force came into view. Deeper horrors met them at White River, where all the white men had been killed, the houses burned and the women carried into captivity. Simultaneously with the attack on Major Thornburg, Douglass, Persune and a few others who remained at the agency to execute their part of the plot at that point, began their devilish work. The body of Mr. Meeker was found about two hundred yards from his house, with a log chain about his neck, one side of his head mashed, and part of a barrel stave driven through his body. The vengeance of the red fiends had taken its most diabolical form in his case, the others being killed in the ordinary way. In addition to the massacre they had stolen everything movable, packed the plunder upon ponies, and fled the country. The bodies of all the other employes, nine in number, were found at various places in the neighborhood, all stripped, and some of them mutilated.

The particulars of the attack upon the agency, the murder of the men, the capture of the women and of their flight to Grand River, were related by Miss Josephine Meeker, to her brother Ralph who met them at Ouray's house on the Uncompahgre, took down the tragic story and published it in the New York "Herald," from which it appears that immediately after intelligence of the fighting at Milk Creek was received, Douglass and twenty of his men came to the agency and began firing upon the employes, which continued until all were killed. The women, Miss Josephine, her mother, Mrs. Price, wife of the

agency blacksmith, and her little girl three years old, ran to the milk-house and shut themselves in. They heard the firing, but saw none of the horrors of the general butchery. To force them out, the building was fired. As the room filled with smoke they ran out into the fields, but were soon captured.

The brutes having completed their bloody work, packed the goods taken from the houses, upon ponies, and with their captives started for one of their old haunts on Grand River. The Indians had plenty of whisky, some of them were intoxicated, and all greatly excited. In their drunken bravado they undertook to frighten the women by threatening to shoot them, but as they preferred death to captivity and evinced no sign of fear at these demonstrations, the red devils began to admire and respect them for their courage. Meanwhile, the battle with Thornburg's men raged in the cañon. Their captors were apprised of its progress from time to time by runners from the field. In the course of their journey they were overtaken by a courier from Chief Ouray, bearing an order to cease fighting. The news had been conveyed to him by telegraph from Denver. The same order must have reached Jack about the time of Gen. Merritt's arrival, for he immediately abandoned the contest and fled to join Douglass.

While encamped on Grand River, a messenger arrived from the Uncompahgre to inform them that next day Gen. Adams with some others would come after the captives. Adams had some years previous been appointed agent for the Utes at the recommendation of Governor McCook. He and Ouray were warm personal friends, and he was much respected by all the tribes. When the facts of the massacre reached Washington by wire, Adams was instructed to confer with Ouray, and with him devise some plan for the rescue of the captive women, and a final settlement of the difficulty. He was to co-operate with Ouray, first in releasing the prisoners, and afterward in hunting down the leaders of the outbreak. By a subsequent order, Adams, Ouray and Gen. Hatch were constituted a commission to investigate the entire tragedy. He left Denver on the 15th of October, and

arrived on the Uncompahgre three days later, where the rescue was planned. On the 19th, with an escort of three Indian chiefs designated by Ouray,—Sapovanero, Shawano, and a son of old Colorow,—and attended by Count von Doenhoff, an attache of the German legation at Washington, Capt. Cline and Mr. Sherman of the Las Pinas Agency, and bearing peremptory orders from the head chief of all the Utes for the immediate cessation of hostilities and the surrender of their prisoners, Adams started for Douglass' camp on Grand River. In due time, after a long and trying journey, he arrived, presented his letters and demanded the women. A council of war was held. The Indians at first were not disposed to obey, and some of the younger bucks proposed that they kill the white commissioners and go their own way in spite of Ouray, but Sapovanero soon put an end to that kind of talk. Though excited and unduly elated by their triumphs, they still had lively recollections of what disobedience of Ouray's orders meant, through many decisive lessons in the past. When Adams appeared in their camp, they endeavored to conceal the captives, but Miss Meeker broke out of the tepee in which she was confined, faced the commissioners and informed them where her mother and Mrs. Price were.

At length Douglass agreed to deliver up the women on condition that Adams would go on to White River and stop the further advance of Merritt's avenging army. He accepted the situation and soon left for that point. The captives were surrendered, and, under the protection of Capt. Cline and Sherman, were taken to Ouray's camp, where they arrived three days later. The sturdy old chief and his noble sympathetic wife, Chipeta, received them with open arms and did everything in their power for their comfort. Says Miss Meeker, "We found carpets on the floors, curtains at the windows, lamps on the tables, stoves in the rooms, and fires burning. We were given a whole house to ourselves." Chipeta shed tears over them, provided everything for their comfort, and in a good motherly way ministered to their every want. A few days later they were brought to Denver, and taken thence to their old homes in Greeley.



CHIEF OURAY.

For nearly three months Merritt's troops remained in camp at the agency, idly awaiting further orders and the final settlement. Meanwhile, Adams, Ouray and Hatch were taking testimony to establish the cause of the outbreak and to discover the guilty leaders. It was a long, tedious, and as the result proved, a fruitless endeavor. It terminated in an offer on the part of the Indians to deliver up twelve of the leaders, on condition that they be tried in Washington, and not in Colorado. Only one or two were ever captured, and none were punished, though at least twenty should have been hanged. By an act of Congress the White River Utes were subsequently moved to a reservation in Utah, where they still remain. We shall meet them again at a later epoch, while reviewing the administration of Governor Alva Adams, in which another outbreak occurred.

The brief sketch subjoined, relating to the life and character of the really great Chief Ouray, the recognized head, diplomat, statesman and warrior of the Ute nation, is compiled from notes furnished by Major James B. Thompson and Otto Mears, both of whom were intimately acquainted with him, the latter for the last twenty years of his well-spent life.

Ouray was born at Taos, New Mexico, in 1833, his father being a Tabeguache, or Western Ute, and his mother an Apache of the Jicarilla tribe. His boyhood was passed among the better class of Mexican rancheros, chiefly as a herder of sheep. He soon learned the Spanish language, speaking it correctly, avoiding the Indian corruptions, and preferring it to his native tongue. At the age of eighteen he joined the band of Utes in which his father was a leader, then located in Southwestern Colorado. From that time until about 1860, his life was that of a wild Indian, passing his time in visiting among neighboring friendly tribes, hunting in the mountains and on the plains, varied by an occasional battle with the hereditary enemies of his people, the Comanches, Kiowas, Sioux, Cheyennes and Arapahoes, in which he acquired the reputation of a courageous and skillful warrior. In 1859 he chose a wife from among the Tabeguache maidens, named Chipeta, to whom he

was always devotedly attached, and who bore him a son. This child was captured by the Kiowas in 1863, they having surprised a hunting camp of Utes under Ouray's command, located near the present site of Fort Lupton, on Platte River. The boy was never recovered, indeed, never heard of afterward.

In the same year, during the administration of Governor Evans, a treaty was negotiated with the Tabeguaches, extinguishing their title to the mountain region of Colorado then settled, and to most of the San Luis Valley. In the council which concluded this treaty, Ouray was a prominent leader and speaker, attracting the attention of all by his quick and intelligent comprehension of the terms proposed, and by his translation of the speeches of his people into Spanish, from which came the English version through the government interpreter. In recognition of his services on this occasion, the government commissioners designated Ouray head chief of the Western Utes, and the act was duly ratified in council by the Indians. In a short time he was recognized as the leader of the entire nation.

Thenceforward to 1868 he led a quiet life, making his home in the Uncompahgre Valley, where he had a fine ranch and large herds of horses and sheep. In that year another treaty was concluded with the "confederated Utes," setting apart as theirs forever, that part of the Territory of Colorado bounded on the east by the 107th meridian, and on the north by a line fifteen miles north of the 40th parallel. This treaty was brought about chiefly through the personal efforts of Ouray, who believed he was rendering his people great and valuable service by obtaining the solemn guaranty of the general government to a solemn observance of the compact. He inspired his followers with like faith that the provisions of this treaty would be maintained, and that the region thus designated for their sole use and occupancy for all time, would not be disturbed. In exactly four years the miners and the stock-growers invaded, settled upon and proposed to hold the southern part of this reservation, and then came the premonitory warnings of conflict

through the occupation of the San Juan country by prospectors and miners, the cowboys and their long horned cattle.

To effect a peaceful settlement of the constantly recurring disputes between the whites and the Indians, the authorities at Washington ordered a council to be held in August, 1872, at Las Pinas agency, for the purpose of inducing the Utes to cede this portion of their lands. It was on this occasion (noted in a previous chapter) that Ouray evinced his greatest power as the head and defender of his people, against the arguments and persuasions of the government commissioners. His keen mind analyzed, dissected and shattered every proposition advanced by them. He listened calmly and with dignified attention to all they had to say, then rose, and with rare eloquence and power demolished every detail of their carefully arranged programme, putting them to shame by exposing the violation of their pledges, the injustice and wrong of their attempt to nullify a contract which had been deliberately framed, signed, agreed to and ratified by the Senate of the United States. The commissioners, worsted and humiliated, their mission an absolute failure, fell back on Washington "in anything but good order."

The following year another effort was made by Felix Brunot, when, after obtaining some modifications, Ouray accepted the inevitable and procured the assent of his followers to the sacrifice of the mining region. Says Major Thompson, "But for his influence on both occasions, there is no doubt that the Utes would have plunged into war and massacred all the white inhabitants of that country."

By the terms of this treaty, the annuities of the Utes were increased, and Ouray allowed a salary of one thousand dollars a year by the government. He then took up his residence at the Las Pinas agency, where he had a comfortable and well furnished house, in which he received and entertained his white guests, and where his days were passed in peace and contentment until that terrible day in October, 1879, when Agent Meeker and his employes were massacred, the women carried into captivity, the agency buildings burned, and Thornburg's troops defeated.

During the wild excitement attending these tragic events, Ouray was by some severely censured for his failure to prevent the outbreak, but without adequate comprehension of the facts. The subsequent investigation proved that he had no idea the White River band would resort to murder, or that they would attack the troops. The then Secretary of the Interior, Carl Schurz, had been in Denver only a short time before the massacre, and assured the agents and others that there would be no trouble at White River, as he came to inspect the various agencies, and would see that all differences were adjusted, etc., etc. As usual when any trouble occurred between the whites and the Utes, Ouray promptly evinced his desire for peace. Immediately on receiving intelligence of affairs on White River, he sent by his swiftest runners and most trusted messengers, positive orders to Douglas Jack, and their followers to refrain from further hostilities, and at once made arrangements for the rescue of the captive women. While great credit has been accorded Gen. Adams for the part he took in that affair, and with much justice, it is nevertheless true that no power on earth save that exercised by Ouray could have brought back those women alive, and without the safeguard of his orders borne by his messenger Sap-inero, the lives of Adams and his white attendants would undoubtedly have paid the penalty of their temerity.

When the old chief received the particulars of this outbreak, he at once saw that the days of his people were numbered, and his once cheerful face seldom thereafter wore a smile. Throughout the long and trying investigation he bore himself with melancholy dignity and forbearance, repressing the war spirit of his fiery warriors, and answering the taunts of his white censors with stinging comments upon the wretched and wholly indefensible policy of the government in its administration of Indian affairs, only seeking to avoid bloodshed in the future. To this end he strongly advocated the removal of his people from Colorado, and when this was decided upon he was ready to die.

He did not live to witness the full accomplishment of this design, but while the details of the removal were in progress, he was taken very

ill and died at the Southern agency in 1881 from Bright's disease of the kidneys. His life might perhaps have been materially prolonged had it not been for the absurd treatment practiced upon him by the Indian "Medicine Men," who dosed him with opiates until he became insensible, and then attempted to exorcise the evil spirits which they said were tormenting him, by vigorous pounding and copious bleeding and sweating of their illustrious patient.

Thus passed away an Indian who richly merits the grateful consideration of the white people of Colorado. In person, Ouray was of the almost invariable short stature which distinguished his people from those of the plains tribes. He stood about five feet seven inches high, and became quite portly in the later years. His head was strikingly large, and well shaped, with regular features, and bearing an expression of great dignity in repose, but lighting up pleasantly in conversation. In his ordinary bearing his manner was courtly and gentle, and he was extremely fond of meeting and conversing with cultivated white men, with whom he was a genial companion, compelling their respect and favor by the broad enlightenment of his views. In his habits he was a model; never using tobacco, abhorring whisky, and only taking a sip of wine when in company of those who were indulging, and then only as a matter of courtesy to them. He never swore nor used obscene or vulgar language, was a firm believer in the Christian religion, and about two years before his death united with the Methodist Church. His name, Ouray, or more properly U-re, was simply a pet name given by his father, and, so far as he knew, had no particular significance.

During the early days of white immigration and settlement, Ouray and Kit Carson together averted a general war between his people and the settlers. Kaneache, chief of the Muache Utes, inaugurated hostilities on the Rio Las Animas, and was pursued and briefly engaged by United States troops. Kaneache sent a proposition to Ouray to join him in making war upon the settlers. The latter promptly seized the messenger and sent out trusty runners to warn the people on the Huerfano of the contemplated raid. Those who heeded the warning

escaped violence, but those who did not were slain. Ouray moved his camp to Fort Garland, in order to control his own forces, and there awaited Kaneache. When the latter approached the San Luis Valley, Ouray marched out, and, taking him and his band prisoners, compelled them to enter the fort and stay there. Had he been less conscientious and prompt, more bloody work would have been done in Southern Colorado.

When in active command of his men his word was law, and disobedience death. In the autumn of 1874, at Bijou, while returning from Denver to their camp in the South, one of his men desiring to build a fire, started to cut some wood for that purpose within the inclosure of a white settler. Ouray discovering his intention, ordered him back, reminding him that they must not trespass upon the property of white men. The obstinate Ute replied that he must have firewood, and he would cut it anyway. Ouray answered that if he did he would kill him, whereat the other fellow observed that two could play at that game. Instantly both started for their guns, reaching them about the same time, but Ouray was quicker than his adversary, and promptly shot him.

On another occasion he shot and broke the arm of Johnson, a member of his tribe, who afterward caused much of the trouble at White River Agency. Johnson was given to gambling, horse racing, lying and trickery of all kinds. In the present case he had stolen some horses from white men and refused to return them when commanded, thereby in Ouray's opinion, bringing disgrace upon the Ute nation, for which he ought to be punished.

The foregoing incidents serve to illustrate the sterling honesty and the general character of this remarkable chief, the statesman of his nation, and the only man worthy of that high distinction in the history of that people. Though a warrior of renown, brave to rashness in battle against the natural enemy, he comprehended that the Caucasian had come to stay and to overspread the land; that resistance would be useless, and only result in the extermination of the red men.

He realized and invariably acted upon the policy that more could be accomplished by diplomacy than by war, and his stately bearing in the various councils proved him to be one of the shrewdest and most intelligent negotiators on the frontier. Whether he loved the white race or not, he always, when it was possible to do so, protected them against the incursions and depredations of strolling bands. Because irresponsible desperadoes committed offences against his followers, he did not, like all his contemporaries, condemn the entire race and proceed to massacre every white person in his path, but adjusted the difficulty in a rational, judicious way by peaceful measures. The nature of the Ute is much like that of the wild Apache—bloodthirsty and cruel. There have been many occasions when the strong, restraining hand of Ouray has prevented his people from taking the war path in force against the isolated settlers in the mountain regions. In looking back over the past it is a matter for wonder that we escaped with so few murders, depredations and outbreaks, when the causes and opportunities were so numerous.

Of recent years so much has been published relating to "Old Colorow," and especially in connection with the Thornburg massacre and the later events on White River in 1888, he has been mistakenly elevated to undeserved prominence as a chief and leader. As a matter of fact, Colorow was in no sense entitled to the distinction accorded him. He was enormously fat and bulky, simply a big, blustering coward, who never distinguished himself in any battle, and whose chief glory lay in relating monstrous fictions of his prowess, and in frightening women and children at the lonely ranches met with in his wanderings. Though with the forces which massacred Thornburg and his troops, there is no evidence that he took any part in directing them, or that he exposed himself to any danger. He never had any following except old men, children and squaws, and at best only a few of these. In the early administrations of the Territorial government, when the Executives were superintendents also of Indian affairs, and when the different tribes of Utes came frequently to Denver on trading and

begging expeditions, Colorow lounged about the Governor's office demanding food, blankets, guns and the like, and constantly airing his grievances. Hence he soon came to be regarded as an unmitigated nuisance. He was viciously hostile to Governor Cummings, with whom he quarreled at every visit, and for whose parsimony in dealing with the Indians, more particularly himself, he expressed the greatest contempt. Having occasion to call on the Governor at his office one morning in 1866, I found Colorow there, and, as usual, in a passionate mood, that soon developed a stormy scene, in the midst of which he seized the Governor and hurled him across the room with such force that he struck the wall with considerable violence. He had numerous animated disputes with Governor McCook also, and on one occasion was driven out of the office and ignominiously kicked down stairs. The latter Executive, a large and powerful man, was physically capable of treating the old rascal as he deserved, while Governor Cummings, of rather frail physique, was not, therefore was compelled to endure the insult. There is nothing in the life and character of this Indian to denote intelligence, honesty, courage or decency. On the contrary, we can only remember him as one of the meanest and most despicable of his race, almost without a redeeming trait, and there we leave him.

APPENDIX.

GOVERNOR'S MESSAGE.

MESSAGE OF GOVERNOR R. W. STEELE, DELIVERED TO THE PROVISIONAL LEGISLATURE
NOVEMBER 7, 1859.

Gentlemen of the Council and House of Representatives of the Territory of Jefferson :

It becomes my duty as the chief executive officer for the newly organized Provisional Government of this Territory, to make at this time such recommendations and suggestions to your honorable bodies as I may deem proper to secure the well being and prosperity of our adopted country, which from unmistakable indications is soon to grow into an important State.

I am deeply impressed with the importance of this task, as also with the peculiarity of the position which all the officers of this government occupy, and before proceeding to recommend for your action subjects of legislation, it will perhaps be proper to give you a short historical view of the community which has resolved to use the inherent right of self-government recognized as inalienable in American citizens, and to give at least the prominent reasons for the steps which have been taken in the formation of a Provisional Government. In doing this, I am actuated not so much by a desire to convey information to your honorable bodies, as by the wish to have our situation and motives as a community and a body politic fairly understood and appreciated by our fellow citizens of the United States, and by Congress, that no misunderstanding may arise to embarrass the future affairs of the Territory.

Prior to the summer of 1858, the region now known as the Territory of Jefferson, possessed in the public estimation no superior attractions for the pioneer settler over other portions of the public domain in the possession of the aboriginal tribes. During that season, certain adventurous spirits, led on by a desire to prove or disprove the various rumors of rich mineral deposits, which had been in circulation, of the unexplored regions at the base of the Rocky Mountains, prospected the eastern slope from Fort Laramie to the Spanish Peaks in New Mexico, and they gave to the world as the result of their explorations, accounts of their finding gold in nearly all of the mountain streams and in the foot plains at their base. Their report spread rapidly, and ere the beginning of the winter of 1858 and '59, near one thousand persons had made their way to the

scenes of these explorations, and were busy in prospecting and preparing shelter and sustenance for the winter. With the early emigration came the spirit of active enterprise, so peculiar to the Great West. Soon improvements of all kinds began to show themselves over the country, town sites were located, farms, ranches, and garden spots dotted our rich valleys, and the plans for a prosperous and happy future were speedily framed.

The necessity was at once felt of some law or rule of action to regulate the transactions of man with man, and to secure life and property from the ruthless hands of the felon. A vigilance committee, the first resource of an isolated and exposed community, was organized, and certain offences occurring during the winter and spring were taken cognizance of. But a more perfect form of government than was afforded by a vigilance committee was needed. The reports of the golden harvest, greatly magnified, had reached the States, and the news was received that tens of thousands were coming to share the gains. A call was issued for a convention to take into consideration the propriety of organizing a state government. Meantime, a wave of reaction had commenced its flow, and the once sanguine emigrants were borne back by its rush, leaving only a moiety to persevere on their way, determined to see for themselves and judge of the matter personally. Amid the discouragements of the homeward stampede, it was thought best at the meeting of the convention in June, to adjourn until the first Monday in August, at which time it met and perfected its work by the formation of a constitution, which was submitted to a vote of the people, on the first Monday of September, and by them rejected.

The causes of the rejection of the State government were: First, a disinclination of the people to bear the burden of a complete State organization. Second, a doubt whether Congress would admit us as a State with less than the quota of population to entitle us to a representative in Congress. Third, a desire to see the prosperity of the country more fully established, and its resources more perfectly developed before taking upon ourselves the responsibility of a State government.

At the election on the first Monday of October, a delegate was chosen to proceed to Washington to procure the organization of our Territory at the earliest possible period. Here then, we had provided for the future so far as we could; but in the interim, before the action of Congress, we would be without a government of a general character, and without legal redress for the thousand personal grievances which necessarily arise, and the more particularly in an unorganized community. The only resource left us was in the exercise of that inherent right of self-government which every community of American citizens is held to possess. The necessities of the time being, gave rise to the formation of the government of which your honorable bodies form the legislative branch. And though the right which we have to form and maintain a provisional government in the absence of a regular organization, cannot be successfully questioned, yet it behooves us in the formation of this government to give to the world in distinct terms our reasons for proceeding to take this step.

Our Territory occupies an isolated position, separated from the seats of government of Kansas and Nebraska by a distance of about seven hundred miles, two hundred of which is an almost sterile plain. Our interests and avocations differ so widely from those of the citizens of either of the aforementioned territories or any other from which our Territory is formed, that it is utterly impossible for us to be successfully incor-

porated with them in the same civil organization. An organization of a county or counties has been attempted by the Legislature of Kansas Territory, but which action has been utterly abortive and inoperative in its effects. It is apparent that any jurisdiction of Kansas Territory over this country, is expressly prohibited by the 19th section of her organic act. Hence, this pretended organization has proven totally inadequate to our wants, having only the shadow without the living substance of a government.

We have had no courts of either criminal or civil jurisdiction, either original or appellate. Life and property were insecure, and crime was unpunished and to a great extent unrebuked.

There can be no conflict with the laws of the United States, nor any disrespect shown to the Federal Congress by taking the first and best course for the mutual protection, safety and happiness to the people of the Territory of Jefferson, when the exigencies of the case so imperatively demanded action in the premises.

That the necessity for a government was felt, and that this government meets with the approbation of a large majority of the people, is shown by the overwhelming vote in its favor at the late election for its adoption. It now becomes the officers elect under this government, to use their best endeavors to meets the ends for which the government was established.

A great responsibility rests upon the first legislature of any commonwealth. It becomes you well to consider the importance of all your actions. It is not the mere exigencies of the present which you are to meet, but your work will give a cast and character to the whole future of this country. The foresight and calm deliberation of the sage will be required in the first moulding of the laws and institutions of our embryo State. The eyes of the Union are upon us, and there are those ever ready to criticise every step which may be taken amiss ; let us then, not underrate the importance of the task before us, but go to work like true citizens and patriots, devoted first and last to the well being of our country.

The developments of the past season have conclusively proven that the gold mines will yield immense treasures to our enterprising citizens, and the explorations which have been carried on so indefatigably in every gulch and cañon, extending even over the snowy range, open up a field for future industry, of immense extent.

These, with the mines of silver, iron, copper, lead, coal, and the quarries of limestone, marble, gypsum, grit and other useful products of the mineral kingdom, furnish a guaranty of future wealth unsurpassed by any country.

That it will be your early care to protect the miner in his arduous labors and secure him the fruits of his toil, I sincerely trust.

The agricultural and horticultural resources of this country have been this season sufficiently developed to warrant us in believing that the cereals and other vegetable productions of this latitude, may be very successfully and profitably cultivated. Any legislation which may tend to encourage the agriculturist should receive attention.

It will become your duty to establish a civil and criminal code of practice, to be plain, certain, and easy of construction, which will afford to the party aggrieved, a speedy, impartial, and adequate remedy.

The criminal law should be plain in its specification of crimes, with penalties that can be inflicted, attached to each offence ; as it is the certainty of punishment that causes the law to be obeyed and respected.

I would recommend a statute providing for miner's courts, by giving jurisdiction of cases wherein mining interests are at stake, to certain officers, with the right of jury trial, and appeal to the district court, and that all courts, whether of original or appellate jurisdiction, shall be bound to recognize the laws of the mining district where the property in litigation is situated.

As a general law for the regulation of miners' interests that would operate equally on all, I would recommend the action of "forcible entry and detainer," as being a remedy generally understood by the courts and lawyers of the country.

By Art. VI, Sec. 4, of the organic act, it will be found to be your duty to divide the Territory into three judicial districts, and assign the judges to their respective districts.

You will also find in Art. VIII, Sec. 1, of the organic act, that you are required to provide some manner of defraying the expenses of the provisional government; this, perhaps, is the most difficult part of your labors. But it is to be hoped that all our citizens will recognize the importance of some well regulated government for the protection of our persons, our families, and our property; and that they will willingly support such an organization. Therefore, I would recommend to your honorable bodies that a poll tax, not exceeding one dollar, be collected between the first day of June and the first day of July next. Also, a small revenue might be obtained from licenses granted to places of amusement.

It is very necessary you should provide the Territory with a stringent election law to cover all cases of fraud. It will suffice for me to call your attention to this point, as the history of our past elections already shows the want of such a law.

At the election held on the 24th of October, it will be seen that there were elected a Governor, Secretary, Attorney General, a Chief-Justice, two Associate Justices, a Marshal, Auditor, a Treasurer, a Clerk of the Supreme Court and a Superintendent of Public Instruction. It will be your duty to define more particularly and specifically the powers and duties of some of these officers, while of others it will be necessary to define their duties in full.

It will devolve upon you to organize the Territory into counties, and locate their county seats; in all cases observing the convenience of the settlers.

All officers who may have either moneys or other important trusts committed to their charge, should, by statute, be required to file with some officer specified, a good and sufficient bond, conditioned that they will faithfully perform the duties of their office, according to law.

As you have much labor before you at the present session, I would call your attention to the fact, that it would be well to avoid, as much as possible, special legislation; but provide by general laws for the incorporation of all bodies, whether corporations for pecuniary profit or municipal governments.

The evil of too much special legislation is one which Western legislators are very prone to run into, thereby neglecting very important laws of a general character; when once the door is thrown open to this abuse of legislative power, it is very difficult to check it. It is therefore hoped, that your course on this subject will be a conservative one.

You will at all times recognize the constitutional authority and power of the United

States government over us. The right of petitioning and memorializing Congress is indisputably yours here, as in any other portion of the Union.

To the general government we are required to look for the extinguishment of the Indian title to the lands of this Territory, for the establishment of mails and mail routes to the principal and important towns of the Territory, with such branches as the population of the country may demand. Also for the construction of military roads and bridges, and for the establishment of a sufficient number of forts and magazines, at such places as will afford the greatest protection to our citizens.

Many other subjects of important and legitimate legislation, will from time to time arise during your session, which it is impossible at this time to foresee ; you are aware that the wants of our citizens demand an immediate action on your part for the adoption of a systemized code of laws.

Thousands of our citizens have returned to their homes in the States for the purpose of returning with their families and friends early next spring, and a great necessity of some definite rule of law in this Territory is admitted by all to exist at this time ; then how much more so will it be needed during the coming spring and summer, when our population will probably be swelled to one hundred thousand, all eager to push their fortunes in any avocation that promises the greatest remuneration.

Let us then, enter upon our duties with a determination of spirit that conquers all difficulties ; working for the benefit of the whole commonwealth, encouraging moderation and conservatism in all our acts, that we may never be ashamed of having taken an humble part in the organization of a provisional government for the Territory of Jefferson.

Signed,

R. W. STEELE, *Governor.*

DENVER, NOV. 7th, 1859.

DIARY OF A PIONEER.

The notes subjoined are literal transcripts from the diary of Mr. George A. Jackson, who made the first discovery of gold placer mines in the Rocky Mountains, on Chicago Creek, opposite the present town of Idaho Springs. In his letter of transmittal Mr. Jackson (now a resident of Ouray), says:

The following will give you a pretty clear idea of what kind of a life we led, as well as a clear insight into the daily routine of our lives. Tom Golden, James Sanders and I left the Arapahoe village after selling out our stock of Indian goods, in the fall of '58, and moved up on Vasquez Fork, and pitched our lodges on the present site of Golden City, and wintered at that point, just where Gen. George West's father-in-law afterward built his residence in the town of Golden:

Dec. 26th, 1858: Tom Golden, Black Hawk and I left camp to-day for an elk hunt; took the old Ute trail with cart and one yoke of cattle. Went into Elk (now Bergen's) Park, about seven miles southwest of our camp. Snowing. Camped at spring in Quaking Asps.

Dec. 27th: Still snowing. Tom hunting oxen. Black Hawk and I for elk. I killed an old bull; no good. Black Hawk killed a fine fat doe. Still snowing.

Dec. 28th: Snowing fast, accompanied by high wind. In camp all day.

Dec. 29th: All out hunting to-day. Tom down the creek, Black Hawk to the north, and I to the two Blue Mountains, one and one-half miles to the west. Tom killed two deer, Black Hawk one deer and two elk. I got into camp late at night; saw about 600 elk; killed five cows and one bull.

Dec. 30th: All off for the elk grounds of yesterday. Tom and Black Hawk to butcher the kill of yesterday and I to follow up the elk trail. Left Tom and Black Hawk butchering elk and I took the elk trail west; followed to brow of mountain, looking down on Vasquez Fork. Ran into the band again. Killed one fat cow and camped.

Dec. 31st: Jerked elk meat until noon with intention of going down mountain to Vasquez Fork. Packed meat and blankets and started down over fallen timber and through snow four feet deep. Had a h—l of a time before I reached the creek. Went into camp at dark. Dogs and I almost tired out. Made big fire after supper and dried my clothes and blankets. Turned in about 12 o'clock, and slept good until daylight.

Jan. 1st, 1859: Clear day. My supply of State's grub short—two pounds bread, one pound coffee, one-half pound salt. Plenty of dried elk for myself and dogs yet, so here goes for head of creek. Told Tom I would be back in a week to our old camp above Table Mountains. Off; good going most of the way. Killed mountain lion to-day. Made about eight miles and camped at Warm (now Soda Creek) Springs, near mouth of small creek coming in on south side. Snow all gone around springs. Killed fat sheep and camped under three cottonwood trees. About 1,000 sheep in sight to-night; no scarcity of meat in future for myself or dogs. Good.

Jan. 2d: Drum and Kit woke me by low growls at daylight. Sheep all gone; mountain lion within twenty steps. Pulled my gun and shot too quick; broke his shoulder, but followed up and killed him. Clear high wind and very cold. In camp all day. Built bough house, and ate fat sheep. Bread all gone. Plenty good meat. No wantum bread.

Jan. 3d: Still clear and very cold—sun dogs. Sheep came down again; are very tame; walk up to within 100 yards of camp and look and stamp at us. Mountain lion killed one within 200 yards of camp to-day and scattered the whole band again. Went up the main creek to another tributary (now Chicago Creek) coming in from the south, a little larger than this one.

Jan. 4th: Pleasant day. Made a long tramp to-day. Followed up the main fork five miles. Here the creek forks again; each about the same width. Followed up the north fork about five miles; rough country and plenty of snow. Got back to camp after dark. Mountain lion stole all my meat in camp; no supper to-night; d—n him.

Jan. 5th: Up before daylight. Killed fat sheep and wounded mountain lion before sunrise. Ate ribs for breakfast; drank last of my coffee. After breakfast I moved up to next creek on south side, one-half mile. Made camp under big fir tree. Good gravel here; looks like it would carry gold. Wind has blown snow off of the rim, but gravel is hard frozen. Panned out two cups; nothing but fine colors.

Jan. 6th: Pleasant day. Built big fire on rim rock to thaw gravel; kept it up all day. Corcajou came into camp while I was at fire; dogs killed him after I had broken his back with belt axe; h—l of a fight.

Jan. 7th: Clear day. Removed fire embers and dug into rim on bed rock. Panned out eight Treaty cups; found nothing but fine gold; ninth cup got one nugget of coarse gold. Feel good to-night; dogs don't; Drum is lame all over; sewed gash in his leg to-night. Corcajou no good for dog.

Jan. 8th: Pleasant day. Well, Tom, old boy, I've got the diggins at last, but can't be back in a week. Dogs can't travel. D—n a Corcajou. Dug and panned to-day until my belt knife was worn out; so will have to quit or use my skinning knife. I have about half an ounce of gold; so will quit and try and get back in the spring.

Jan. 9th: Filled up hole with charcoal from big fire and built a fire over it, and marked the big fir tree with belt axe and knife.

Jan. 10th: Snowing like h—l; high wind and cold. In camp all day. Drum can hardly walk around to-day.

Jan. 11th: Cold, and has quit snowing. Still in camp doctoring my dog; his leg has swollen to the size of my arm above my elbow. D—n a Corcajou.

Jan. 12th: Made a start down the creek on the ice to-day. Made about four miles and camped. Got balsam and put on Drum's wounds to-night; he is very sore.

Jan. 13th: Pleasant day. Started late and traveled slow; made about ten miles and went into camp in a dark cañon. Drum is a great deal better to-night. Kit is all right.

Jan. 14th: Started early. Good going on ice. Had a hard time getting down some falls to-day. Stopped at noon two hours and whanged up my moccasins; nearly barefooted. Got out at mouth of cañon just at dark, and got down to the old camp and had a good supper of State's grub. Tom was getting uneasy a little. After supper I told him what I had found and showed him the gold, and we talked, smoked and ate the balance of the night. I could hardly realize I had been gone nineteen days.

Jan. 15th: Pleasant day. Tom hasn't seen the stock for three days. Tom after the stock, and I making moccasins. Got back with horses, mules and cattle at noon, all in good order. Snow about six inches deep. Good feed for stock.

Jan. 16th: Both making moccasins to-day. Will start for trappers' camp at mouth of Big Thompson in a few days to bring up my mule.

Jan. 17th: Went down to Arapahoe village to-day. Found Marsh Cook, Dick Cartwright, Sam Curtis, Ned Wynkoop, Hamp Boone, and Jerry Lewis at the Indian village. They had surveyed off a town site; call it Arapahoe. Marsh Cook is sluicing a little with two boxes on bar of Vasquez Fork. No good; too fine to save without quicksilver, and not enough to pay with it. Black Hawk came up to camp with me.

Jan. 18th: Will start for mouth of Big Thompson to-morrow. Nailed shoes on Old Chief to-day, and Black Hawk and I made Hackamore and sinche.

Jan. 19th: Left camp at 10 o'clock for the river. Got as far as Arapahoe village and staid all night with the boys. Played poker all night for buckskins. Jerry Lewis bagged the game.

Jan. 20th: Off for Jim Robinson's. Ned Wynkoop, Jim Sanders and I made mouth of St. Vrain and staid at Noel Siminoe's lodge.

Jan. 21st: Went through to-day. Found the old camp all well. Chat Dubra and Antoine Leboa have my mule off after antelope. They got back to-night. We staid all night at old Jim's lodge.

Jan. 22: Left for Auraria. Fine day. Old Phil with us. He wants to get my stock to go to Laramie for mail; wont do it.

Jan. 23d: Staid all night at mouth of Vasquez with Bateau, Leboa and Neva. Niwot is sick; mountain fever, I think.

Jan. 24th: Went to old John Smith's lodge and saw Jack Henderson and John Ming. They tell me they will give one dollar a letter and fifty cents a paper for all papers and letters directed to any man in camp. Also twenty-five cents a paper for all newspapers not over a month old. So here goes. I want to see old Seth Ward, anyhow. (The mail was at Fort Laramie).

Jan. 25th: Got every man's name in camp to-day, and left for my camp on Vasquez Fork. Phil wants to go. Tom wants Phil to stay at our camp and let him go, but Phil wont do it. Packed up our things for the trip and got Oakes' Henry rifle for Phil. I take my old Hawkins.

Jan. 26th: Left early. Followed the old trail along the base of the mountains and camped with Jack Rande on St. Vrain's Fork.

Jan. 27th: Off early. Found Antoine and Nick Janiss, with several others, at the crossing of Cache la Poudre. Camped to-night on Box Elder. Snowing.

Jan. 28th: Still snowing a little. Made about forty miles to-day and camped on tributary of Lodge Pole Creek.

Jan. 29th: Cold and clear. Off early. Passed Brule village on the Chugwater. Swift Bird and Chocka with hunting party. Hard day's travel. Camped on the Chugwater. Phil shot six times at a deer. No meat. Henry rifle no good for deer; maybe some good for prairie dog.

Jan. 30th: Still snowing. Got to Deer Creek and went into camp with Lightner's men.

Jan. 31st: Went down to the Fork to-day. Got all the letters I could raise on my list, and about 100 papers all told. Left Phil at old Seth Ward's. If he gets drunk I will leave him.

Feb. 1st: In camp all day. Good feed for horses and mules. Phil got back to-night half drunk. Will start back to-morrow. Found Phil's bottle; broke it.

Feb. 2d: Got the stock up and ready to make a start. Phil still asleep. Ate my breakfast and woke him up. He wants to go, so had to wait until he got his breakfast. Off in snowstorm. Made Swift Bird's village and went into camp. Phil has been as cross as a bear all day.

Feb. 3d: Started early. Clear and cold. Good going. Made forty miles and camped at Medicine Trace, south of divide. Phil's pony came near giving out to-day.

Feb. 4th: Killed a fat doe this morning. Staid in camp until noon. Phil's pony no good. Off after dinner. Made twenty-five miles and camped at Deer Springs in the foot hills.

Feb. 5th: Started early. Only came as far as Cache la Poudre and staid all night with Antoine Janiss. Phil's pony nearly gone; no good.

Feb. 6th: Off for St. Vrain. Camped on Bonita Fork. Killed antelope. Phil killed two sprigtail grouse. Had good supper.

Feb. 7th: Off early. Made John Smith's lodge and gave out letters and papers, and collected \$132 for the trip, besides bringing back ten pounds of trade balls, ten pounds of powder, 2,000 waterproof caps, with some extra traps. Gave Phil \$50. He owes Al Garwitch \$100, but won't give him a dollar; wants to save his money and buy whisky, the old brute.

Feb. 8th: Left one of my mules with Jack Jones and came up to camp on Vasquez. Found Tom and Black Hawk well and hearty. One letter for Tom; none for Black Hawk; his friends are like mine, all dead. Old Chief looks a little like he has had a hard trip. Good grass here; he will be all right in a day or two.

Feb. 9th: Graining skins to-day to make coat and pants. Got plenty buckskin needles and saddler's silk now. Lower boys came up from Arapahoe for mail. They say they will have a town down there in the spring. Want us to move down. No town for us. We will bounce out for the head of Vasquez in the early spring. Tom is the only man who knows I found gold up the creek, and as his mouth is as tight as a No. 4 beaver trap, I am not uneasy.

CITY OFFICERS OF THE CITY OF DENVER FROM ITS ORGANIZATION, NOVEMBER, 1861.

From November, 1861, to April 1, 1862.

Mayor.—Charles A. Cook.

Aldermen.—First Ward: H. J. Brendlinger, John A. Nye. Second Ward: L. Mayer, W. W. Barlow. Third Ward: J. E. Vawter, L. Buttrick.

Police Magistrate.—P. P. Wilcox.

City Marshal.—W. M. Keith.

City Clerk and Attorney.—J. Bright Smith.

City Surveyor.—E. D. Boyd.

City Collector and Treasurer.—George W. Brown, Jos. B. Cass.*

Street Commissioner.—D. D. Palmer.

Chief of Police.—George E. Thornton.

From April 1st, 1862, to April 1st, 1863.

Mayor.—Charles A. Cook.

Aldermen.—First Ward: Jas. A. Cook, H. J. Brendlinger. Second Ward: C. E. Cooke, L. Mayer, J. M. Broadwell.† Third Ward: B. B. Stiles, J. E. Vawter.

Police Magistrate.—P. P. Wilcox.

Police Marshal.—A. J. Snyder.

City Surveyor.—E. D. Boyd, George L. Moody.‡

* Jos. B. Cass elected Dec. 30th, 1861, in place of George W. Brown, resigned.

† Elected to fill unexpired term of C. E. Cooke, deceased.

‡ George L. Moody elected May 22d, 1862, in place of E. D. Boyd, resigned.

City Attorney.—J. Bright Smith.

City Clerk.—Chauncey Barbour.

City Treasurer and Collector.—George T. Clark.

Street Commissioners.—D. D. Palmer, Jos. L. Bailey.*

Chief of Police.—George E. Thornton. †

From April 1st, 1863, to April 1st, 1864.

Mayor.—Amos Steck.

Aldermen.—First Ward: H. J. Brendlinger, George Tritch. Second Ward: J. W. Kerr, L. Mayer. Third Ward: B. B. Stiles, Edwin Scudder.

Police Justices.—James Hall, O. O. Kent.

City Marshal.—J. L. Bailey.

City Attorney.—Moses Hallett.

City Clerk.—Chauncey Barbour.

City Surveyor.—F. J. Ebert.

City Treasurer.—George T. Clark.

City Collector.—A. J. Snyder.

From April 1st, 1864, to April 1st, 1865.

Mayor.—H. J. Brendlinger.

Aldermen.—First Ward: John Maloney, Leavitt L. Bowen. Second Ward: Alvin McCune, George Tritch. Third Ward: S. D. Kasserman, Edward Gaffney.

Police Justices.—James Hall, O. O. Kent.

City Marshal.—Jos. L. Bailey.

City Clerk and Assessor.—Chauncey Barbour. ‡

City Attorney.—J. Q. Charles.

City Surveyor.—F. J. Ebert.

City Treasurer.—George T. Clark.

From April 1st, 1865, to April 1st, 1866.

Mayor.—George T. Clark.

Aldermen.—First Ward: H. Fuerstein, John Maloney, Ed. Chase.§ Second Ward: Jos. Kline, Alvin McCune, M. M. DeLano.¶ Third Ward: O. A. Whittemore, S. D. Kasserman, E. N. Harvey. ¶

Police Justices.—P. P. Wilcox, S. D. Hunter.

City Marshal.—J. L. Bailey.

City Clerk and Assessor.—B. B. Stiles.

City Attorney.—Moses Hallett.

City Surveyor.—F. J. Ebert.

* Jos. L. Bailey elected at a special election August 20th, 1862, in place of D. D. Palmer, resigned.

† Office abolished June 12th, 1862.

‡ James Hall elected City Clerk, vice Chauncey Barbour, resigned, in November, 1864.

§ Elected in place of John Maloney, resigned.

¶ Elected in place of Alvin McCune, resigned.

¶ Elected in place of O. A. Whittemore, resigned.

City Treasurer.—Luther Kountze.

City Collector.—W. D. Anthony.

From April 1st, 1866, to April 1st, 1867.

Mayor.—Milton M. DeLano.

Aldermen.—First Ward: J. D. Scott, Moritz Sigi. Second Ward: John E. Force, G. C. Schleier. Third Ward: R. L. Hatten, George H. Estabrook, John J. Reithmann,* Daniel Ullman.† Fourth Ward: William R. Ford, Ed. Chase, R. E. Whitsitt.‡

Police Justices.—P. P. Wilcox, S. D. Hunter.

City Marshal.—D. J. Cook.

City Clerk and Assessor.—B. B. Stiles.

City Attorney.—I. W. Cook.

City Surveyor.—G. V. Boutelle.

City Treasurer.—H. J. Rogers.

City Collector.—R. L. Hatten.

From April 1st, 1867, to April 1st, 1868.

Mayor.—Milton M. DeLano.

Aldermen.—First Ward: J. D. Scott, T. G. Anderson. Second Ward: J. E. Force, John Weinshank. Third Ward: Daniel Ullman, P. P. Wilcox. Fourth Ward: W. R. Ford, Ed. Chase.

Police Justices.—R. S. Wilson, P. P. Wilcox, O. O. Kent,§ J. Downing.¶

City Marshal.—D. J. Cook.

City Assessor.—Calvin Boyer.

City Surveyor.—R. Fisher.

City Clerk.—B. B. Stiles.

City Attorney.—M. Benedict.

Street Commissioner.—J. E. Wurtzebach.

City Treasurer.—Frank Palmer.

City Collector.—M. Anker, B. B. Stiles. ¶

From April 1st, 1868, to April 1st, 1869.

Mayor.—W. M. Clayton.

Aldermen.—First Ward: T. G. Anderson, J. E. Bates. Second Ward: John Weinshank, William Barth. Third Ward: P. P. Wilcox, J. L. Bailey. Fourth Ward: Ed. Chase, W. R. Ford, H. M. Porter.**

Police Justices.—R. S. Wilson, J. S. Taylor.

City Marshal.—D. J. Cook.

* Elected in place of R. L. Hatten, resigned.

† Elected in place of J. J. Reithmann, resigned.

‡ Elected in place of Ed. Chase, resigned.

§ Elected to fill unexpired term of P. P. Wilcox, declared ineligible.

¶ Elected to fill vacancy caused by non-election of O. O. Kent, as Probate Judge.

¶ Elected to fill unexpired term of M. Anker, removed from city.

** Declared entitled to seat in Council, after contest with W. R. Ford.

City Assessor.—G. N. Billings.

City Surveyor.—R. Fisher.

City Clerk.—D. C. Dodge.

City Attorney.—G. W. Purkins.

City Treasurer.—C. B. Kountze.

City Collector.—G. C. Schleier.

From April 1st, 1869, to April 1st, 1870.

Mayor.—B. B. Stiles.

Aldermen.—First Ward: J. E. Bates, H. Wagner. Second Ward: William Barth, J. E. Force. Third Ward: J. L. Bailey, W. Londoner. Fourth Ward: H. M. Porter, F. Cramer.

City Clerk.—O. A. Whittemore.

City Marshal.—G. M. Hopkins.

City Treasurer.—C. B. Kountze.

City Collector.—G. C. Schleier.

City Assessor.—W. J. Curtice.

City Surveyor.—R. Fisher.

City Attorney.—A. Sayer.

Police Justices.—J. S. Taylor, O. Brooks.

From April 1st, 1870, to April 1st, 1871.

Mayor.—B. B. Stiles.

Aldermen.—First Ward: H. Wagner, J. E. Bates. Second Ward: John E. Force, John Maloney. Third Ward: W. Londoner, J. L. Bailey. Fourth Ward: F. Cramer, E. A. Willoughby.

City Marshal.—George M. Hopkins.

City Assessor.—John Chamard, E. H. Starrette.*

City Surveyor.—R. Fisher, F. M. Case.†

City Clerk.—George T. Clark.

City Attorney.—M. Benedict.

City Treasurer.—C. B. Kountze.

City Collector.—A. R. Lincoln.

Police Justices.—O. Brooks, J. S. Taylor, W. W. Deniston. ‡

From April 1st, 1871, to April 1st, 1872.

Mayor.—John Harper.

Aldermen.—First Ward: J. E. Bates, A. Woeber. Second Ward: John Maloney, F. B. Crocker. Third Ward: J. L. Bailey, M. D. Clifford. Fourth Ward: E. A. Willoughby, Peter Winne.

City Marshal.—G. M. Hopkins.

City Assessor.—L. H. Curtice.

* Elected to fill unexpired term of J. Chamard, deceased.

† Designated by Council to fill vacancy caused by death of R. Fisher.

‡ Elected to fill unexpired term of O. Brooks.

City Surveyor.—H. A. Luebers, F. M. Case.*

City Clerk.—J. V. Griffin.

City Attorney.—D. D. Belden.

City Treasurer.—J. C. Anderson.

City Collector.—A. R. Lincoln.

Police Justices.—W. W. Deniston, H. A. Clough.

From April 1st, 1872, to April 1st, 1873.

Mayor.—Joseph E. Bates.

Aldermen.—First Ward: A. McNamee, A. Woeber. Second Ward: C. R. Hartman, John Maloney. Third Ward: James M. Broadwell, M. D. Clifford. Fourth Ward: William Holliday, Peter Winne.

City Clerk.—J. V. Griffin.

City Marshal.—G. M. Hopkins.

City Assessor.—Gus. Opitz.

City Surveyor.—S. H. Gilson.

City Attorney.—D. D. Belden.

City Treasurer.—A. B. Daniels.

City Collector.—Abram Lincoln.

Police Justices.—H. A. Clough, O. H. Whittier.

From April 1st, 1873, to April 1st, 1874.

Mayor.—Francis M. Case.

Aldermen.—First Ward: A. McNamee, T. G. Anderson. Second Ward: C. R. Hartman, John Maloney. Third Ward: A. McCune, J. M. Broadwell. Fourth Ward: Wm. J. Barker, Wm. Holliday. Fifth Ward: O. D. F. Webb, G. W. Sigler, W. W. McLellan.† Sixth Ward: S. D. Kasserman, D. H. Soggs.

City Clerk.—V. P. Hastings.

City Marshal.—W. A. Smith.

City Assessor.—R. C. Bishop.

City Surveyor.—S. H. Gilson.

City Attorney.—M. Benedict.

City Treasurer.—G. W. Kassler.

City Collector.—O. H. Whittier.

Police Justices.—Daniel Sayer, John Walker.

From April 1st, 1874, to April 1st, 1875.

Mayor.—William J. Barker.

Aldermen.—First Ward: T. G. Anderson, A. J. Barker. Second Ward: J. K. Wilson, John Maloney, M. D. Currigan.‡ Third Ward: A. McCune, Henry C. Clark. Fourth Ward: A. J. Williams, F. M. Hawes.§ Fifth Ward: O. D. F. Webb, W. W. McLellan. Sixth Ward: S. D. Kasserman, Wm. R. Whitehead, Phil. Zang.||

* Designated by Council, caused by the resignation of H. A. Leubers.

† Elected to fill unexpired term of G. W. Sigler, removed from city.

‡ Elected to vacancy, caused by death of J. Maloney.

§ Elected to unexpired term of W. J. Barker, elected Mayor.

|| Elected to vacancy, by resignation of S. D. Kasserman.

City Clerk.—Chas. F. Leimer.
City Attorney.—T. M. Patterson.
City Collector.—J. M. Strickler.*
City Assessor.—George C. Roberts.†
City Surveyor.—J. H. Bonsall.
City Treasurer.—T. M. Field.
Chief of Police.—J. C. McCallin.
Police Magistrate.—D. Sayer.

From April 1st, 1875, to April 1st, 1876.

Mayor.—William J. Barker.
Aldermen.—First Ward: C. R. Hartman; A. J. Barker. Second Ward: M. D. Cur-
 rigan, J. G. Hoffer. Third Ward: H. C. Clark, W. H. J. Nichols. Fourth Ward: F. M.
 Hawes, George W. Brown. Fifth Ward: W. W. McLellan, F. M. Case. Sixth Ward:
 Dr. Wm. R. Whitehead, A. H. Root.

City Clerk.—C. F. Leimer.
City Attorney.—C. S. Thomas.
City Collector.—J. M. Strickler.
City Assessor.—George C. Roberts.
City Treasurer.—T. M. Field.
City Surveyor.—H. C. Lowrie.
Chief of Police.—J. C. McCallin.
Police Magistrate.—D. Sayer.

From April 1st, 1876, to April 1st, 1877.

Mayor.—Dr. R. G. Buckingham.
Aldermen.—First Ward: C. R. Hartman, Simon Block. Second Ward: J. G.
 Hoffer, Job A. Cooper. Third Ward: W. H. J. Nichols, L. A. Watkins. Fourth
 Ward: George W. Brown, George L. Aggers. Fifth Ward: F. M. Case, Albert
 Brown. Sixth Ward: A. H. Root, George Anstee.

City Clerk.—C. F. Leimer.
City Attorney.—C. S. Thomas.
City Surveyor.—H. C. Lowrie.
City Physician.—Samuel Cole.
Chief of Police.—D. W. Mays.
Police Justices.—D. Sayer, H. E. Luthe.‡
City Collector.—J. M. Strickler.
City Treasurer.—P. Gottesleben.
City Assessor.—George C. Roberts.

From April 1st, 1877, to October 9th, 1877.§

Mayor.—Dr. R. G. Buckingham.

* County Treasurer, ex-officio City Collector.

† County Assessor, ex-officio City Assessor.

‡ Elected to vacancy caused by expiration of term of D. Sayer.

§ By Act of the Legislature 1876-77, the election of city officers was changed to October in each year.

*President of the Council.**—Francis M. Case.

Aldermen.—First Ward: Samuel Block, C. R. Hartman. Second Ward: Job A. Cooper, Thomas Linton. Third Ward: L. A. Watkins, H. McElheny. Fourth Ward: George L. Aggers, John W. Knox. Fifth Ward: Albert Brown, F. M. Case. Sixth Ward: George Anstee, A. H. Root.

City Clerk.—H. P. Parmelee.

City Attorney.—A. C. Phelps.

City Surveyor.—H. C. Lowrie.

City Physician.—Samuel Cole.

Police Magistrate.—H. E. Luthé.

Chief of Police.—D. W. Mays.

City Collector.—J. M. Strickler.

City Treasurer.—P. Gottesleben.

City Assessor.—W. F. Corbett.

From October 9th, 1877, to October 8th, 1878

Mayor.—Baxter B. Stiles.

President of the Council.—Francis M. Case.

Aldermen.—First Ward: C. R. Hartman, D. C. Oswald. Second Ward: Thomas Linton, Job A. Cooper. Third Ward: H. McElheny, E. B. Light. Fourth Ward: John W. Knox, George L. Aggers. Fifth Ward: F. M. Case, W. W. McLellan. Sixth Ward: A. H. Root, James L. White.

City Clerk.—H. P. Parmelee.

City Attorney.—A. C. Phelps.

City Surveyor.—L. Cutshaw.

Chief of Police.—C. P. Stone.

City Collector.—J. M. Strickler.†

City Treasurer.—John Good.

Police Justice.—O. A. Whittemore.

City Assessor.—W. F. Corbett.‡

From October 8th, 1878, to October 9th, 1879.

Mayor.—Richard Sopris.

President of the Council.—Job A. Cooper.

Aldermen.—First Ward: D. C. Oswald, William E. Edom. Second Ward: Job A. Cooper, Thomas Linton. Third Ward: E. B. Light, Robert Morris. Fourth Ward: George L. Aggers, F. N. Davis. Fifth Ward: W. W. McLellan, John Cook, Jr. Sixth Ward: Robert Aurich, George Anstee.

City Clerk.—H. P. Parmelee.

City Attorney.—E. B. Sleeth.

City Engineer.—L. Cutshaw.

Police Magistrate.—O. A. Whittemore.

* Elected to preside over the Council in the absence of the Mayor, and to perform the duties of the Mayor while absent from the city.

† Term of office expired January 1st, 1878; John L. Dailey elected his successor.

‡ Term of office expired January 1st, 1878; H. A. Terpenning elected his successor.

Chief of Police.—W. R. Hickey.

City Collector.—J. L. Dailey.

City Treasurer.—John Good.

City Assessor.—H. A. Terpenning.

City Scavenger.—Chas. Nadler.

City Physician.—F. J. Bancroft.

From October 9th, 1879, to November 4th, 1880.

Mayor.—Richard Sopris.

President of the Council.—C. H. McLaughlin.

Aldermen.—First Ward: F. M. Davis, J. D. McGilvray. Second Ward: R. Y. Force. Carlos Gove. Third Ward: C. H. McLaughlin, Robert Morris. Fourth Ward: Ezra Fairchild, W. H. Lessig. Fifth Ward: J. A. Meyers, W. W. McLellan. Sixth Ward: R. Bandhauer, Edward Fox.

City Clerk.—H. P. Parmelee.

City Attorney.—J. L. Jerome.

City Engineer.—H. C. Lowrie.

Police Magistrate.—O. A. Whittemore.

Chief of Police.—W. R. Hickey, D. J. Cook.*

City Collector.—J. L. Dailey.

City Treasurer.—John Good.

City Assessor.—Geo. C. Roberts.

City Scavenger.—Chas. Nadler.

City Physician.—J. W. Graham.

From November 8th, 1881, to November 7th, 1882.

Mayor.—Robert Morris.

President of the Council.—Carlos Gove.

Aldermen.—First Ward: John D. McGilvray, N. W. Sample. Second Ward: Carlos Gove, R. Y. Force. Third Ward: James Inman, W. W. Whipple. Fourth Ward: W. H. Lessig, W. D. Rector. Fifth Ward: W. W. McLellan, Isaac Brinker. Sixth Ward: Ed. L. Fox, R. Bandhauer.

City Clerk.—James T. Smith.

City Attorney.—John C. Stallcup.

City Engineer.—E. H. Kellogg.

Police Magistrate.—Geo. L. Sopris.

Chief of Police.—James M. Lomery.

Street Commissioner.—B. J. Currigan.

Chief Fire Department.—T. S. Clayton.

City Collector.—John L. Dailey.

City Assessor.—Geo. C. Roberts.

City Scavenger.—O. L. Engleman.

City Physician.—W. W. Anderson.

City Treasurer.—W. M. Bliss.

* W. R. Hickey resigned and D. J. Cook elected in his place.

From November 7th, 1882, to April 10th, 1883.

Mayor.—Robert Morris.

President of Council.—Carlos Gove.

Aldermen.—First Ward: N. W. Sample, Geo. W. Armstrong. Second Ward: R. Y. Force, Carlos Gove. Third Ward: W. W. Whipple, L. A. Watkins. Fourth Ward: W. D. Rector, F. N. Davis. Fifth Ward: Isaac Brinker, G. G. Darrow. Sixth Ward: R. Bandhauer, Ed. L. Fox.

City Clerk.—C. F. Leimer.

City Attorney.—Jas. A. Dawson.

City Engineer.—H. C. Lowrie.

Police Magistrate.—Jas. L. Crotty.

Chief of Police.—James M. Lomery.

Street Commissioner.—William Toovey.

Chief Fire Department.—Julius Pearse.

City Collector.—John L. Dailey.

City Assessor.—Geo. C. Roberts.

City Scavenger.—John H. Anderson.

City Physician.—A. Labrie.

City Treasurer.—W. M. Bliss.

From April 10th, 1883, to April 10th, 1884.

Mayor.—John L. Routt.

President of Council.—E. J. Brooks.

Aldermen.—First Ward: Geo. W. Armstrong, Frank Wheeler. Second Ward: Carlos Gove, J. H. Allen. Third Ward: L. A. Watkins, Geo. N. Billings. Fourth Ward: F. N. Davis, D. J. Kelley. Fifth Ward: G. G. Darrow, J. T. Younker. Sixth Ward: Ed. L. Fox, R. Bandhauer. Seventh Ward: Geo. D. Watson. John D. McGilvray. Eighth Ward: O. S. McLain, E. J. Brooks. Ninth Ward: E. P. McPhilomy, E. J. Maginn.

City Clerk.—C. F. Leimer.

City Attorney.—Frank Tilford.

City Engineer.—H. C. Lowrie.

Police Magistrate.—J. Mullahey.

Chief of Police.—W. A. Smith.

Building Inspector.—E. A. Willoughby.

Chief Fire Department.—Julius Pearse.

City Collector.—John L. Dailey.

City Assessor.—Geo. C. Roberts.

City Auditor.—W. R. Beatty.

City Physician.—A. Labrie.

City Treasurer.—W. M. Bliss.

From April 10th, 1884, to April 10th, 1885.

Mayor.—John L. Routt.

President of Council.—E. J. Brooks.

Aldermen.—First Ward: Frank Wheeler, Thos. G. Anderson. Second Ward: J. H. Allen, Carlos Gove. Third Ward: Geo. N. Billings, C. H. McLaughlin. Fourth Ward: D. J. Kelley, F. N. Davis. Fifth Ward: J. T. Younker, Jacob H. Allen. Sixth Ward: R. Bandhauer, Ed. L. Fox. Seventh Ward: John D. McGilvray, J. A. McIntyre. Eighth Ward: E. J. Brooks, Jas. F. Matthews. Ninth Ward: E. J. Maginn, J. F. Schmidt.

City Clerk.—R. W. Speer.

City Attorney.—Frank Tilford.

City Engineer.—H. C. Lowrie.

Police Magistrate.—J. Mullahey.

Chief of Police.—W. A. Smith.

Building Inspector.—E. A. Willoughby.

Chief Fire Department.—Julius Pearse.

City Collector.—F. Church.

City Assessor.—W. W. Whipple.

City Auditor.—W. R. Beatty.

City Physician.—S. R. Hamer.

City Treasurer.—W. M. Bliss.

From April 10th, 1885, to April 10th, 1887.

Mayor.—Joseph E. Bates.

Board of Supervisors.—President, O. L. Smith, C. J. Clark, Thomas Nicholl, Fred Cramer, C. D. Cobb.

Aldermen.—First Ward: Walter Conway. Second Ward: H. F. Jones. Third Ward: D. C. Packard. Fourth Ward: Frank H. Kaub. Fifth Ward: J. Gratz Brown. Sixth Ward: Ira H. Pendleton. Seventh Ward: C. J. Driscoll. Eighth Ward: D. P. Hadfield. Ninth Ward: Michael Ward.

City Clerk.—Jas. R. Treadway.

City Auditor.—V. P. Hastings.

City Treasurer.—W. M. Bliss.

City Engineer.—H. C. Lowrie.

Chief of Police.—A. W. Hogle.

Chief Fire Department.—Julius Pearse.

City Attorney.—Jas. H. Brown.

Police Magistrate.—Isaac E. Barnum.

Health Commissioner.—H. W. McLaughlin.

Street Commissioner.—A. C. Wright.

Water Commissioner.—N. K. Miller.

Building Inspector.—J. A. McIntyre.

Sealer Weights and Measures.—S. W. Schermerhorn.

Boiler Inspector.—P. B. Eagan.

From April 10th, 1887, to April 10th, 1889.

Mayor.—William Scott Lee.

Board of Supervisors.—President, C. J. Clark, M. A. Latimer, P. B. Russell, C. Walbrach, D. C. Packard.

Aldermen.—First Ward: Walter Conway. Second Ward: Daniel Ryan. Third Ward: J. B. Goodman. Fourth Ward: B. Safley. Fifth Ward: Adam Graff. Sixth Ward: A. H. Root. Seventh Ward: J. D. McGilvray. Eighth Ward: J. F. Adams. Ninth Ward: M. W. Burke.

City Clerk.—Jas. R. Treadway.

City Auditor.—A. A. McKnight.

City Treasurer.—W. M. Bliss.

City Engineer.—H. C. Lowrie.

Chief of Police.—H. T. Brady.

Chief Fire Department.—Julius Pearse.

City Attorney.—J. F. Shafroth.

Corporation Counsel.—G. C. Bartels.

Police Magistrate.—C. M. Campbell.

Health Commissioner.—W. M. Robertson.

Street Commissioner.—Theodore Griffin.

Water Commissioner.—N. K. Miller.

Building Inspector.—J. A. McIntyre.

Sealer Weights and Measures.—S. W. Schermerhorn.

Boiler Inspector.—P. B. Eagan.

TERRITORIAL OFFICERS OF COLORADO, 1861 TO 1875.

GOVERNORS.

William Gilpin, appointed by Abraham Lincoln, July 8th, 1861.

John Evans, appointed by Abraham Lincoln, April 19th, 1862.

Alexander Cummings, appointed by Andrew Johnson, October 17th, 1865.

A. C. Hunt, appointed by Andrew Johnson, May 27th, 1867.

Edward M. McCook, appointed by U. S. Grant, June 15th, 1869.

Samuel H. Elbert, appointed by U. S. Grant, March 9th, 1873.

Edward M. McCook, reappointed by U. S. Grant, January 27th, 1874.

John L. Routt, appointed by U. S. Grant, March 29th, 1875.

SECRETARIES.

Lewis Ledyard Weld, appointed by Abraham Lincoln, July 8th, 1861.

Samuel H. Elbert, appointed by Abraham Lincoln, April 19th, 1862.

Frank Hall, appointed by Andrew Johnson, May 2d, 1866.

Frank Hall, appointed by U. S. Grant, June 15th, 1869.

Frank Hall, reappointed by U. S. Grant, June 18th, 1873.

John W. Jenkins, appointed by U. S. Grant, January 27th, 1874.

John Taffe, appointed by U. S. Grant, August 16th, 1875.

APPENDIX.

TREASURERS.

George T. Clark, appointed by Governor Gilpin, November 12th, 1861.
 Alexander W. Atkins, appointed by Governor Evans, March 17th, 1864.
 A. C. Hunt, appointed by Governor Cummings, January 25th, 1866.
 John Wanless, appointed by Governor Cummings, September 5th, 1866.
 Columbus Nuckolls, appointed by Governor Hunt, December 16th, 1867.
 Columbus Nuckolls, reappointed by Acting Governor Hall, March 17th, 1868.
 George T. Clark, appointed by Governor McCook, February 14th, 1870.
 George T. Clark, reappointed by Governor McCook, February 17th, 1872.
 David H. Moffat, Jr., appointed by Governor Elbert, January 26th, 1874.
 Frederick Z. Salomon, appointed by Governor Routt, February 11th, 1876.

AUDITORS.

Milton M. DeLano, appointed by Governor Gilpin, November 12th, 1861.
 Richard E. Whitsitt, appointed by Governor Evans, March 10th, 1864.
 Richard E. Whitsitt, appointed by Governor Cummings, January 26th, 1866.
 Hiram J. Graham, appointed by Governor Cummings, December 13th, 1866.
 Nathaniel F. Cheesman, appointed by Acting Governor Hall, January 7th, 1868.
 James B. Thompson, appointed by Governor McCook, February 15th, 1870.
 James B. Thompson, reappointed by Governor McCook, February 14th, 1874.
 Levin C. Charles, appointed by Governor Elbert, January 26th, 1874.
 Levin C. Charles, appointed by Governor Routt, February 12th, 1876.

SUPERINTENDENTS OF PUBLIC INSTRUCTION.

William J. Curtice, appointed by Governor Gilpin, November 7th, 1861.
 William S. Walker, appointed by Governor Evans, Nov. 15th, 1863.
 Alexander W. Atkins,* February 10th, 1865.
 John Wanless,* January —, 1866.
 Columbus Nuckolls,* March —, 1867.
 Wilbur C. Lothrop, appointed by Governor McCook, March —, 1870.
 Wilbur C. Lothrop, reappointed by Governor McCook, March —, 1872.
 Horace M. Hale, appointed by Governor Elbert, July 24th, 1873.
 Horace M. Hale, reappointed by Governor Elbert, January —, 1874.
 Horace M. Hale, appointed by Governor Routt, February 9th, 1876.

DELEGATES TO CONGRESS.

Hiram P. Bennett, elected December 2d, 1861.
 Hiram P. Bennett, re-elected October 7th, 1862.
 Allen A. Bradford, elected July 11th, 1864.
 George M. Chilcott, elected November 14th, 1865.
 George M. Chilcott, re-elected August 7th, 1866.
 Allen A. Bradford, re-elected September 8th, 1868.
 Jerome B. Chaffee, elected September 13th, 1870.
 Jerome B. Chaffee, re-elected September 10th, 1872.
 Thomas M. Patterson, elected September 8th, 1874.

* Ex-officio as Territorial Treasurer.

JUDGES OF THE SUPREME COURT—CHIEF-JUSTICES.

Benjamin F. Hall, appointed by Abraham Lincoln, March 25th, 1861.
 Stephen S. Harding, appointed by Abraham Lincoln, July 10th, 1863.
 Moses Hallett, appointed by Andrew Johnson, April 10th, 1866.
 Moses Hallett, appointed by U. S. Grant, April 30th, 1870.
 Moses Hallett, reappointed by U. S. Grant, — —, 1874.

ASSOCIATE JUSTICES.

Chas. Lee Armour, appointed by Abraham Lincoln, March 28th, 1861.
 S. Newton Pettis, appointed by Abraham Lincoln, July 9th, 1861.
 Allen A. Bradford, appointed by Abraham Lincoln, June 6th, 1862.
 Charles F. Holly, appointed by Andrew Johnson, June 10th, 1865.
 William H. Gale, appointed by Andrew Johnson, June 10th, 1865.
 William R. Gorsline, appointed by Andrew Johnson, June 18th, 1866.
 Christian S. Eyster, appointed by Andrew Johnson, August 11th, 1866.
 James B. Belford, appointed by U. S. Grant, June 17th, 1870.
 Ebenezer T. Wells, appointed by U. S. Grant, February 8th, 1871.
 James B. Belford, reappointed by U. S. Grant, — —, 1874.
 Amherst W. Stone, appointed by U. S. Grant, March 1st, 1875.
 Andrew W. Brazee, appointed by U. S. Grant, February 24th, 1875.

UNITED STATES DISTRICT ATTORNEYS.

James E. Dalliba, appointed by Abraham Lincoln, — —, 1861.
 Samuel E. Browne, appointed by Abraham Lincoln, April 8th, 1862.
 George W. Chamberlain, appointed by Andrew Johnson, October —, 1865.
 H. C. Thatcher, appointed by Andrew Johnson, January —, 1868.
 Lewis C. Rockwell, appointed by Andrew Johnson, May —, 1869.
 H. C. Alleman, appointed by U. S. Grant, April —, 1873.
 C. D. Bradley, appointed by U. S. Grant, June 20th, 1875.
 W. H. Parker, appointed December —, 1876.
 W. S. Decker, appointed by U. S. Grant, January 12th, 1877.

LEGISLATIVE ASSEMBLIES.

TERRITORIAL GOVERNMENT.

First session of the First Legislative Assembly of Colorado, convened at Denver September 9th, and adjourned November 7th, 1861.

COUNCIL.

E. A. Arnold of Lake, President; S. L. Baker, Secretary; David A. Cheever, Assistant Secretary; E. W. Kingsbury, Sergeant-at-Arms.
 H. J. Graham, Weld and Larimer Counties, First District.
 Amos Steck, Arapahoe County, Second District.
 Charles W. Mather, Gilpin and Boulder Counties, Third District.

H. F. Parker, Gilpin County, Fourth District.
 A. U. Colby, Clear Creek County, Fifth District.
 S. M. Robbins, Summit County, Sixth District.
 E. A. Arnold, Lake County, Seventh District.
 R. B. Willis, El Paso County, Eighth District.
 M. Francisco, Huerfano and Pueblo Counties, Ninth District.

REPRESENTATIVES.

Charles F. Holly of Boulder, Speaker; F. H. Page, Chief Clerk; E. P. Elmer, Sergeant-at-Arms.

Daniel Steele, Weld and Larimer Counties, First District.
 Charles F. Holly, Boulder County, Second District.
 E. S. Wilhite, Arapahoe County, Third District.
 Edwin Scudder, Arapahoe and Douglas Counties, Fourth District.
 William A. Rankin, Gilpin County, Fifth District.
 Jerome B. Chaffee, Gilpin County, Sixth District.
 James H. Noteware, Clear Creek County, Seventh District.
 O. A. Whittemore,* Summit County, Eighth District.
 Daniel Witter,† Park County, Ninth District.
 George F. Crocker, Lake County, Tenth District.
 Jose Victor Garcia, Conejos County, Eleventh District.
 Jesus M. Barela, Costilla County, Twelfth District.
 George M. Chilcott, Pueblo County, Thirteenth District.

Second session of the Legislative Assembly convened at Colorado City on the 7th day of July, 1862, adjourned to Denver, July 11th. Adjourned *sine die* August 15th, 1862.

COUNCIL.

N. J. Bond, of Park, President; John Howard, Secretary; Matt. Riddlebarger, Assistant Secretary; Amos Widner, Sergeant-at-Arms.

H. J. Graham, Weld and Larimer Counties, First District.
 H. R. Hunt, Douglas, Arapahoe, Weld and Larimer Counties, First District.
 Amos Steck, Arapahoe County, Second District.
 Wm. A. H. Loveland, Jefferson, Clear Creek, Gilpin and Boulder Counties, Second District.
 Charles W. Mather, Gilpin County, Third District.
 N. J. Bond, Park, Summit and Lake Counties, Third District.
 Henry F. Parker, Gilpin County, Fourth District.
 J. B. Woodson, Fremont, El Paso, Huerfano, Conejos, Costilla and Pueblo Counties, Fourth District.

A. U. Colby, Clear Creek County, Fifth District.

Henry Altman,‡ Summit, Sixth District.

*Seat unsuccessfully contested by C. P. Hall.

†Seat unsuccessfully contested by N. J. Bond.

‡ In place of Samuel M. Robbins resigned. R. O. Bailey unsuccessfully contested his seat.

E. A. Arnold, Lake County, Seventh District.
 Robert B. Willis, El Paso County, Eighth District.
 J. M. Francisco, Huerfano and Pueblo Counties, Ninth District.

REPRESENTATIVES.

George F. Crocker of Lake, Speaker; William Train Muir, Chief Clerk; E. P. Elmer, Assistant Clerk; Richard Sopris, Sergeant-at-Arms.

Daniel Steele, Weld County, First District.
 Joseph Kenyon, Larimer, Weld, Boulder, and Jefferson Counties, First District.
 Charles F. Holly, Boulder County, Second District.
 D. C. Oakes, Arapahoe and Douglas Counties, Second District.
 E. S. Wilhite, Arapahoe and Douglas Counties, Third District.
 C. G. Hanscome, Arapahoe and Douglas Counties, Third District.
 Edwin Scudder, Arapahoe and Douglas Counties, Fourth District.
 Wm. M. Slaughter, Gilpin County, Fourth District.
 William A. Rankin*, Gilpin County, Fifth District.
 M. B. Hayes, Gilpin County, Fifth District.
 Jerome B. Chaffee, Gilpin County, Sixth District.
 J. W. Hamilton, Clear Creek County, Sixth District.
 James H. Noteware, Clear Creek County, Seventh District.
 Wilbur F. Stone, Park County, Seventh District.
 O. A. Whittemore, Summit County, Eighth District.
 R. R. Harbour, Summit County, Eighth District.
 Daniel Witter, Park County, Ninth District.
 John Fosher, Lake County, Ninth District.
 George F. Crocker, Lake County, Tenth District.
 M. S. Beach, Pueblo and El Paso Counties, Tenth District.
 Jose Victor Garcia, Conejos County, Eleventh District.
 Jose Raphael Martinez, Conejos County, Eleventh District.
 Jesus M. Barela, Costilla County, Twelfth District.
 Jose Francisco Gallejos, Costilla County, Twelfth District.
 George M. Chilcott, Pueblo County, Thirteenth District.
 D. Powell, Pueblo County, Thirteenth District.

Third session of the Legislative Assembly convened at Golden on the 1st day of February, 1864; adjourned to Denver, February 4th. Adjourned *sine die* March 11th, 1864.

COUNCIL.

Charles W. Mather, of Gilpin, President; C. B. Haynes, Secretary; W. T. Reynolds, Assistant Secretary; E. C. Parmelee, Engrossing Clerk; O. B. Brown, Enrolling Clerk; C. A. Bartholomew, Sergeant-at-Arms.

Amos Widner, Boulder, Larimer and Weld Counties, First District.
 Moses Hallett, Arapahoe and Douglas Counties, Second District.
 Richard E. Whitsitt, Arapahoe and Douglas Counties, Second District.

* Did not appear.

Charles W. Mather, Gilpin County, Third District.
 A. J. Van Deren, Gilpin County, Third District.
 E. A. Johnson, Gilpin County, Third District.
 Wm. A. H. Loveland, Clear Creek and Jefferson Counties, Fourth District.
 Lewis Jones, Park County, Fifth District.
 R. O. Bailey, Summit County, Sixth District.
 Robert Berry, Lake County, Seventh District.
 J. B. Doyle, Pueblo, El Paso, Huerfano and Fremont, Eighth District.
 C. Dominguez, Conejos County, Ninth District.
 H. E. Esterday, Costilla County, Tenth District.

REPRESENTATIVES.

Jerome B. Chaffee, of Gilpin, Speaker; Baxter B. Stiles, Chief Clerk; John Walker, Engrossing Clerk; C. C. Carpenter, Enrolling Clerk; Richard Sopris, Sergeant-at-Arms.

A. O. Patterson*, Weld and Larimer Counties, First District.
 David A. Cheever, Arapahoe and Douglas Counties, Second District.
 J. A. Koontz, Arapahoe and Douglas Counties, Second District.
 John A. Nye, Arapahoe and Douglas Counties, Second District.
 J. H. Eames, Arapahoe and Douglas Counties, Second District.
 David Ripley, Boulder County, Third District.
 James Kelley, Jefferson County, Fourth District.
 Leon D. Judd, Boulder and Gilpin Counties, Fifth District.
 Jerome B. Chaffee, Gilpin County, Sixth District.
 John Kipp,† Gilpin County, Sixth District.
 Alvin Marsh, Gilpin County, Sixth District.
 Samuel Mallory,‡ Gilpin County, Sixth District.
 E. F. Holland, Clear Creek County, Seventh District.
 J. E. Leeper, Clear Creek County, Seventh District.
 M. C. White, Summit County, Eighth District.
 John T. Lynch, Summit County, Eighth District.
 Henry Henson, Park County, Ninth District.
 J. B. Stansell, Park County, Ninth District.
 Joel Wood, Lake County, Tenth District.
 J. McCannon, Lake County, Tenth District.
 Pablo Ortega, Conejos County, Eleventh District.
 Jose Victor Garcia, Conejos County, Eleventh District.
 N. W. Welton, Costilla and Huerfano Counties, Twelfth District.
 B. J. McComas,§ Costilla and Huerfano Counties, Twelfth District.
 L. D. Webster, Fremont County, Thirteenth District.
 A. Z. Sheldon, Pueblo and El Paso Counties, Fourteenth District.

*Did not appear.

† Resigned.

‡ Did not appear.

§ Did not appear.

The Fourth session of the Legislative Assembly convened at Golden, January 2d, and adjourned February 10th, 1865.

COUNCIL.

J. Wentz Wilson, of Gilpin, President; Ozias Millett, Secretary; James O. Allen, Assistant Secretary; W. B. Felton, Enrolling Clerk; W. Adams, Engrossing Clerk; Marshall Silverthorn, Sergeant-at-Arms.

Amos Widner, Boulder, Larimer and Weld Counties, First District.

Moses Hallett, Arapahoe and Douglas Counties, Second District.

Richard E. Whitsitt,* Arapahoe and Douglas Counties, Second District.

J. Wentz Wilson, Gilpin County, Third District.

George R. Mitchell, Gilpin County, Third District.

E. K. Baxter, Gilpin County, Third District.

Wm. A. H. Loveland, Clear Creek and Jefferson Counties, Fourth District.

Lewis Jones,† Park County, Fifth District.

H. L. Pearson, Summit County, Sixth District.

Robert Berry, Lake County, Seventh District.

Robert B. Willis, Pueblo, El Paso, Huerfano and Fremont Counties, Eighth District.

C. Dominguez, Conejos County, Ninth District.

H. E. Esterday,‡ Costilla County, Tenth District.

REPRESENTATIVES.

L. H. Harsh of Gilpin, Speaker; C. H. Grover, Chief Clerk; N. S. Hurd, Engrossing Clerk; A. D. Cooper, Enrolling Clerk; Henry Gibson, Sergeant-at-Arms.

— Weld and Larimer Counties, First District.

Hiram J. Brendlinger, Arapahoe and Douglas Counties, Second District.

Rufus Clark, Arapahoe and Douglas Counties, Second District.

Baxter B. Stiles, Arapahoe and Douglas Counties, Second District.

F. M. Case,§ Arapahoe and Douglas Counties, Second District.

D. H. Nichols, Boulder County, Third District.

A. O. Patterson, Jefferson County, Fourth District.

Thomas D. Worrall, Boulder and Gilpin Counties, Fifth District.

L. H. Harsh, Gilpin County, Sixth District.

Benjamin Lake, Gilpin County, Sixth District.

A. Mansur, Gilpin County, Sixth District.

C. M. Tyler, Gilpin County, Sixth District.

E. F. Holland, Clear Creek County, Seventh District.

B. F. Pine, Clear Creek County, Seventh District.

John T. Lynch, Summit County, Eighth District.

A. Hopkins, Summit County, Eighth District.

*Absent during session.

† Absent during session.

‡ Absent during session.

§ Did not take his seat.

Wilbur F. Stone, Park County, Ninth District.
 James Thompson, Park County, Ninth District.
 C. North, Lake County, Tenth District.
 J. G. Ehrhart, Lake County, Tenth District.
 — Conejos County, Eleventh District.
 — Conejos County, Eleventh District.
 — Costilla and Huerfano Counties, Twelfth District.
 — Costilla and Huerfano Counties, Twelfth District.
 Mills M. Craig, Fremont County, Thirteenth District.
 O. H. P. Baxter,* Pueblo and El Paso Counties, Fourteenth District.

Fifth session of the Legislative Assembly convened at Golden, on the first day of January, 1866, adjourned to Denver, January 4th, and adjourned *sine die* February 9th, 1866.

COUNCIL.

Henry C. Leach of Arapahoe, President; Charles G. Cox, Secretary; George H. Stillwell, Assistant Secretary; Benjamin P. Thompson, Engrossing Clerk; N. F. Cheesman, Enrolling Clerk; Marshall Silverthorn, Sergeant-at-Arms.

Joseph M. Marshall, Boulder, Larimer and Weld Counties, First District.

Henry C. Leach, Arapahoe and Douglas Counties, Second District.

John Q. Charles, Arapahoe and Douglas Counties, Second District.

George R. Mitchell, Gilpin County, Third District.

Ebenezer Smith, Gilpin County, Third District.

Benjamin Woodbury, Gilpin County, Third District.

Wm. A. H. Loveland, Clear Creek and Jefferson Counties, Fourth District.

Robert Douglas, Park County, Fifth District.

George W. Maan, Summit County, Sixth District.

H. H. DeMary, Lake County, Seventh District.

O. H. P. Baxter, Pueblo, El Paso, Huérfano and Fremont Counties, Eighth District.

Jesus Maria Velasquez, Conejos County, Ninth District.

George A. Hinsdale, Costilla County, Tenth District.

REPRESENTATIVES.

E. Norris Stearns of Park, Speaker; C. J. McDivitt, Chief Clerk; A. D. Cooper, Enrolling Clerk; A. Hopkins, Engrossing Clerk; Charles Bartholomew, Sergeant-at-Arms.

B. F. Johnson, Weld and Larimer Counties, First District.

David Gregory, Arapahoe and Douglas Counties, Second District.

Louis F. Bartels, Arapahoe and Douglas Counties, Second District.

James F. Gardner, Arapahoe and Douglas Counties, Second District.

H. J. Graham, Arapahoe and Douglas Counties, Second District.

S. M. Breath, Boulder County, Third District.

* Did not take his seat until February 1st.

T. C. Bergen, Jefferson County, Fourth District.
 Perley Dodge, Boulder and Gilpin Counties, Fifth District.
 Frank Hall, Gilpin County, Sixth District.
 Columbus Nuckolls,* Gilpin County, Sixth District.
 C. M. Grimes,† Gilpin County, Sixth District.
 J. W. Watson,‡ Gilpin County, Sixth District.
 David J. Ball, Clear Creek County, Seventh District.
 B. R. Colvin, Clear Creek County, Seventh District.
 John Fosher, Summit County, Eighth District.
 A. D. Bevans,§ Summit County, Eighth District.
 E. Norris Stearns, Park County, Ninth District.
 George W. Norris, Park County, Ninth District.
 Thomas Keys, Lake County, Tenth District.
 J. G. Ehrhart, Lake County, Tenth District.
 Jose Gabriel Martine, Conejos and Costilla Counties, Eleventh District.
 M. Mandrigan, Conejos and Costilla Counties, Eleventh District.
 Jesus Maria Barela, Conejos and Costilla Counties, Eleventh District.
 Matt. Riddlebarger, Huerfano County, Twelfth District.
 William Lock, Fremont County, Thirteenth District.
 John W. Henry, Pueblo and El Paso Counties, Fourteenth District.

Sixth session of the Legislative Assembly, convened at Golden, December 3d, 1866, and adjourned January 11th, 1867.

COUNCIL.

Robert Douglas, of Park, President; Robert Berry, Secretary; J. A. Miller, Assistant Secretary; N. F. Cheesman, Enrolling Clerk; William B. Rines, Engrossing Clerk; B. R. Wall, Sergeant-at-Arms.

Joseph M. Marshall, Boulder, Larimer and Weld, First District.
 John Q. Charles, Arapahoe and Douglas Counties, Second District.
 Henry C. Leach, Arapahoe and Douglas Counties, Second District.
 George R. Mitchell, Gilpin County, Third District.
 Benjamin Woodbury, Gilpin County, Third District.
 Ebenezer Smith, Gilpin County, Third District.
 Wm. A. H. Loveland, Clear Creek and Jefferson Counties, Fourth District.
 Robert Douglas, Park County, Fifth District.
 George W. Mann, Summit County, Sixth District.
 H. H. DeMary, Lake County, Seventh District.
 O. H. P. Baxter, Pueblo, El Paso, Huerfano and Fremont Counties, Eighth District.
 Jesus Maria Velasquez, Conejos County, Ninth District.
 George A. Hinsdale, Costilla County, Tenth District.

* In place of A. Mansur.

‡ Did not take his seat.

† In place of Ira Austin.

§ Did not take his seat.

REPRESENTATIVES.

E. L. Berthoud of Jefferson, Speaker; C. J. McDivitt, Chief Clerk; W. J. Kram, Assistant Clerk; — Root, Engrossing Clerk; — Grey, Enrolling Clerk; E. H. Browne, Sergeant-at-Arms.

Peter Winne, Weld and Larimer Counties, First District.

C. H. McLaughlin, Arapahoe and Douglas Counties, Second District.

Edwin Scudder, Arapahoe and Douglas Counties, Second District.

J. E. Force, Arapahoe and Douglas Counties, Second District.

C. J. Goss, Arapahoe and Douglas Counties, Second District.

James S. Doggett, Boulder County, Third District.

E. L. Berthoud, Jefferson County, Fourth District.

J. E. Parkman, Boulder and Gilpin Counties, Fifth District.

Columbus Nuckolls, Gilpin County, Sixth District.

E. T. Wells, Gilpin County, Sixth District.

J. Y. Glendinen, Gilpin County, Sixth District.

C. M. Grimes, Gilpin County, Sixth District.

Charles B. Patterson, Clear Creek County, Seventh District.

R. W. Davis,* Clear Creek County, Seventh District.

Ziba Surles, Summit County, Eighth District.

W. W. Webster, Summit County, Eighth District.

Charles L. Hall, Park County, Ninth District.

F. C. Morse, Park County, Ninth District.

Julius C. Hughes, Lake County, Tenth District.

Jacob E. Ehrhart, Lake County, Tenth District.

Juan B. Lobato, Conejos and Costilla Counties, Eleventh District.

S. Valdez, Conejos and Costilla Counties, Eleventh District.

Juan Miguel Vijil, Conejos and Costilla Counties, Eleventh District.

Matt Riddlebarger,† Huerfano County Twelfth District.

M. Mills Craig, Fremont County, Thirteenth District.

W. H. Young, Pueblo and El Paso Counties, Fourteenth District.

Seventh session of the Legislative Assembly convened at Golden, December, 2d 1867; adjourned to Denver, December 9th. Adjourned *sine die* January 10th, 1868.

COUNCIL.

William W. Webster of Summit, President; Ed. C. Parmelee, Secretary; W. J. Kram, Assistant Secretary; E. R. Harris, Engrossing Clerk; A. Hopkins, Enrolling Clerk; Ziba Surles, Sergeant-at-Arms.

James H. Pinkerton, Boulder, Larimer and Weld Counties, First District.

Amos Steck, Arapahoe and Douglas Counties, Second District.

Charles A. Cook, Arapahoe and Douglas Counties, Second District.

Hugh Butler, Gilpin County, Third District.

* Seat unsuccessfully contested by D. J. Ball.

† Seat unsuccessfully contested by John B. Rice.

David D. Belden, Gilpin County, Third District.
 J. Wellington Nesmith, Gilpin County, Third District.
 Wm. A. H. Loveland, Clear Creek and Jefferson Counties, Fourth District.
 E. Norris Stearns, Park County, Fifth District.
 William W. Webster, Summit County, Sixth District.
 Julius C. Hughes, Lake County, Seventh District.
 B. B. Field,* Pueblo, El Paso, Huerfano and Fremont Counties, Eighth District.
 Jesus Maria Velasquez, Conejos, Ninth District.
 Francisco Sanchez, Costilla County, Tenth District.

REPRESENTATIVES.

C. H. McLaughlin of Arapahoe, Speaker; C. J. McDivitt, Chief Clerk; M. L. Horr, Assistant Clerk; Joseph Sharratt, Engrossing Clerk; A. Cree, Enrolling Clerk; Charles F. Leimer, Assistant Enrolling Clerk; — Wells, Sergeant-at-Arms.

H. Stratton, Weld and Larimer Counties, First District.
 C. H. McLaughlin, Arapahoe and Douglas Counties, Second District.
 Baxter B. Stiles, Arapahoe and Douglas Counties, Second District.
 J. E. Wurtzebach, Arapahoe and Douglas Counties, Second District.
 G. W. Miller, Arapahoe and Douglas Counties, Second District.
 H. L. Pearson, Boulder County, Third District.
 F. O. Sawin, Jefferson County, Fourth District.
 T. Haswell, Boulder and Gilpin Counties, Fifth District.
 D. M. Richards, Gilpin County, Sixth District.
 S. F. Huddleston, Gilpin County, Sixth District.
 C. R. Bissell, Gilpin County, Sixth District.
 W. M. Slaughter, Gilpin County, Sixth District.
 J. C. McCoy, Clear Creek County, Seventh District.
 J. E. Wharton, Clear Creek County, Seventh District.
 Stephen Decatur, Summit County, Eighth District.
 J. A. Pierce, Summit County, Eighth District.
 Ansel Bates, Park County, Ninth District.
 W. J. McDougal, Park County, Ninth District.
 J. Gilliland, Lake County, Tenth District.
 B. Fowler, Lake County, Tenth District.
 J. Lawrence, Conejos and Costilla Counties, Eleventh District.
 Pablo Ortega, Conejos and Costilla Counties, Eleventh District.
 Silverio Suaso, Conejos and Costilla Counties, Eleventh District.
 Thomas Suaso,† Huerfano County, Twelfth District.
 Thomas Macon, Fremont County, Thirteenth District.
 E. T. Stone, Pueblo and El Paso Counties, Fourteenth District.

Eighth session of the Legislative Assembly convened at Denver January 3d, and adjourned February 11th, 1870.

* Seat successfully contested by George A. Hinsdale.

† Seat unsuccessfully contested by Michael Beshoar.

COUNCIL.

George A. Hinsdale, President; A. O. Patterson, Secretary; George T. Clark, Assistant Secretary; J. E. Cobb, Engrossing Clerk; Henry Bell, Enrolling Clerk; E. T. Stone, Sergeant-at-Arms.

Jesse M. Sherwood,* Boulder, Larimer and Weld Counties, First District.

Amos Steck, Arapahoe and Douglas Counties, Second District.

Charles A. Cook, Arapahoe and Douglas Counties, Second District.

Hugh Butler, Gilpin County, Third District.

Silas B. Hahn,† Gilpin County, Third District.

J. Wellington Nesmith, Gilpin County, Third District.

Wm. A. H. Loveland, Clear Creek and Jefferson Counties, Fourth District.

E. Norris Stearns, Park County, Fifth District.

William W. Webster, Summit County, Sixth District.

Julius C. Hughes, Lake County, Seventh District.

George A. Hinsdale, Pueblo, El Paso, Huerfano and Fremont Counties, Eighth District.

Jesus Maria Velasquez, Conejos County, Ninth District.

Francisco Sanchez, Costilla County, Tenth District.

REPRESENTATIVES.

George W. Miller, Speaker; Wm. M. Slaughter, Chief Clerk; A. M. Barnard, Assistant Clerk; Thomas A. McCrystal, Engrossing Clerk; John D. McIntyre, Enrolling Clerk; W. W. Remine, Sergeant-at-Arms.

Matthew S. Taylor, Weld and Larimer Counties, First District.

George W. Miller, Arapahoe and Douglas Counties, Second District.

Samuel H. Elbert, Arapahoe and Douglas Counties, Second District.

H. B. Bearce, Arapahoe and Douglas Counties, Second District.

C. C. Gird, Arapahoe and Douglas Counties, Second District.

John H. Wells, Boulder County, Third District.

Allison H. DeFrance, Jefferson County, Fourth District.

Thomas J. Graham, Boulder and Gilpin Counties, Fifth District.

Thomas J. Campbell, Gilpin County, Sixth District.

H. E. Lyon, Gilpin County, Sixth District.

A. E. Lea, Gilpin County, Sixth District.

John F. Topping, Gilpin County, Sixth District.

John T. Lynch, Clear Creek County, Seventh District.

D. B. Myers, Clear Creek County, Seventh District.

George W. Mann, Summit County, Eighth District.

A. D. Bevan, Summit County, Eighth District.

C. M. Mullen, Park County, Ninth District.

J. G. Randall, Park County, Ninth District.

* Vice James H. Pinkerton, resigned.

† Vice D. D. Belden, resigned.

‡ Seat successfully contested by William M. Roworth.

D. L. Vandiver, Lake County, Tenth District.
 J. C. Hall, Lake County, Tenth District.
 Manuel Lucero, Conejos, Costilla and Saguache Counties, Eleventh District.
 Clement Trugillo, Conejos, Costilla and Saguache Counties, Eleventh District.
 William H. Meyer, Conejos, Costilla and Saguache Counties, Eleventh District.
 Filipe Baca, Huerfano and Las Animas Counties, Twelfth District.
 William Sheppard, Fremont County, Thirteenth District.
 James Rice, Pueblo and El Paso Counties, Fourteenth District.

Ninth session of the Legislative Assembly convened at Denver January 1st, and adjourned February 9th, 1872.

COUNCIL.

George M. Chilcott of Pueblo, President; Edward L. Salisbury, Secretary; Chase Withrow, Assistant Secretary; E. H. Starrette, Engrossing Clerk; S. N. Sanders, Enrolling Clerk; Robert N. Daniels, Sergeant-at-Arms.
 Joseph E. Bates, Arapahoe County, First District.
 Francis Gallup, Arapahoe County, First District.
 William C. Stover, Weld and Larimer Counties, Second District.
 Allison H. DeFrance, Jefferson and Bolder Counties, Third District.
 Nathaniel P. Hill, Gilpin County, Fourth District.
 Benjamin W. Wisebart, Gilpin County, Fourth District.
 Edward C. Parmelee, Clear Creek and Summit Counties, Fifth District.
 Madison W. Stewart, Greenwood, Bent and Douglas Counties, Sixth District.
 George M. Chilcott, Pueblo and El Paso Counties, Seventh District.
 J. Marshall Paul, Park, Lake, Saguache and Fremont Counties, Eighth District.
 Jesus Maria Garcia, Las Animas County, Ninth District.
 Silverio Suaso, Huerfano County, Tenth District.
 Jose Victor Garcia, Conejos and Costilla Counties, Eleventh District.

REPRESENTATIVES.

Alvin Marsh of Gilpin, Speaker; James G. Cooper, Chief Clerk; Joseph T. Boyd, Assistant Clerk; Rollin Morrow, Engrossing Clerk; C. W. Baldwin, Enrolling Clerk; Uriah M. Curtis, Sergeant-at-Arms.
 Frederick Steinhauer, Arapahoe County, First District.
 Isaac H. Batchellor, Arapahoe County, First District.
 Clarence P. Elder, Arapahoe County, First District.
 John G. Lilley, Arapahoe County, First District.
 J. W. Bacon, Weld and Larimer Counties, Second District.
 B. H. Eaton, Weld and Larimer Counties, Second District.
 John D. Patrick, Jefferson County, Third District.
 James P. Maxwell, Boulder County, Fourth District.
 Charles C. Welch, Jefferson and Boulder Counties, Fifth District.
 Alvin Marsh, Gilpin County, Sixth District.
 George E. Randolph, Gilpin County, Sixth District.

John F. Topping, Gilpin County, Sixth District.
 W. W. Webster, Clear Creek and Summit Counties, Seventh District.
 James F. Gardner, Douglas County, Eighth District.
 Thomas O. Boggs,* Bent and Greenwood Counties, Ninth District.
 J. M. Givens, Pueblo and El Paso Counties, Tenth District.
 B. F. Crowell, Pueblo and El Paso Counties, Tenth District.
 A. D. Cooper, Fremont, Park, Lake and Saguache Counties, Eleventh District.
 John G. Randall, Fremont, Park, Lake and Saguache Counties, Eleventh District.
 Casimero Barela, Las Animas County, Twelfth District.
 Lorenzo A. Abeyta,† Las Animas County, Twelfth District.
 Mariano Larragoite, Las Animas County, Twelfth District.
 John A. Manzanares, Huerfano County, Thirteenth District.
 Pedro Raphael Trujillo, Costilla County, Fourteenth District.
 Jose A. Velasquez, Conejos County, Fifteenth District.
 Francisco Sanchez, Conejos and Costilla Counties, Sixteenth District.

Tenth session of the Legislative Assembly convened at Denver, on the 5th day of January, and adjourned February 13th, 1874.

COUNCIL.

Madison W. Stewart of Bent, President ; Foster Nichols, Secretary; D. C. Lionberger, Assistant Secretary; George H. F. Work, Enrolling Clerk; George R. Ward, Sergeant-at-Arms.

H. P. H. Bromwell, Arapahoe County, First District.
 R. G. Buckingham, Arapahoe County, First District.
 Thomas Sprague, Weld and Larimer Counties, Second District.
 John B. Fitzpatrick, Jefferson and Boulder Counties, Third District.
 Hugh Butler, Gilpin County, Fourth District.
 H. C. McCammon, Gilpin County, Fourth District.
 William M. Clark, Clear Creek and Summit Counties, Fifth District.
 Madison W. Stewart, Greenwood, Bent and Douglas Counties, Sixth District.
 George M. Chilcott, Pueblo and El Paso Counties, Seventh District.
 Jairus W. Hall, Park, Lake, Saguache and Fremont Counties, Eighth District.
 Daniel L. Taylor, Las Animas County, Ninth District.
 Juan B. Jaquez, Huerfano County, Tenth District.
 Lafayette Head, Costilla and Conejos Counties, Eleventh District.

REPRESENTATIVES.

David H. Nichols of Boulder, Speaker; Jos. T. Boyd, Chief Clerk; E. P. Drake, Assistant Clerk; J. A. Koontz, Engrossing Clerk; O. H. Henry, Sergeant-at-Arms.
 Frederick Steinhauer, Arapahoe County, First District.
 Alfred Butters, Arapahoe County, First District.
 R. S. Little, Arapahoe County, First District.

* Absent during session.

† A. W. Archibald successfully contested his seat.

J. H. K. Uhlhorn, Arapahoe County, First District.
 Joseph C. Shattuck, Weld and Larimer Counties, Second District.
 John McCutcheon, Weld and Larimer Counties, Second District.
 Levi Harsh, Jefferson County, Third District.
 James P. Maxwell, Boulder County, Fourth District.
 David H. Nichols, Jefferson and Boulder Counties, Fifth District.
 Henry Paul, Gilpin County, Sixth District.
 Bela S. Buell, Gilpin County, Sixth District.
 William J. Buffington, Gilpin County, Sixth District.
 Benjamin F. Napheys, Clear Creek and Summit Counties, Seventh District.
 Charles W. Perry, Douglas County, Eighth District.
 John W. Prowers, Bent and Greenwood Counties, Ninth District.
 Joseph C. Wilson, Pueblo and El Paso Counties, Tenth District.
 William Moore, Pueblo and El Paso Counties, Tenth District.
 Joseph Hutchinson, Fremont, Park, Lake and Saguache Counties, Eleventh District.
 William A. Amsbary, Fremont, Park, Lake and Saguache Counties, Eleventh District.
 Mariano Larragoite, Las Animas County, Twelfth District.
 Casimiro Barela, Las Animas County, Twelfth District.
 Alexander H. Taylor, Las Animas County, Twelfth District.
 J. A. J. Valdez, Huerfano County, Thirteenth District.
 William H. Meyer, Costilla County, Fourteenth District.
 Manuel S. Salazar, Conejos County, Fifteenth District.
 Juan Esquibel, Costilla and Conejos Counties, Sixteenth District.

Eleventh session of the Legislative Assembly, convened at Denver on the 3d day of January, and adjourned February 11th, 1876.

COUNCIL.

Adair Wilson of Rio Grande, President; James T. Smith, Secretary; Frank Fossett, Assistant Secretary; James D. Henry, Engrossing Clerk; William Borchert, Enrolling Clerk; J. A. J. Bigler, Sergeant-at-Arms.
 Bela M. Hughes, Arapahoe County, First District.
 Baxter B. Stiles, Arapahoe County, First District.
 B. H. Eaton, Weld and Larimer Counties, Second District.
 John C. Hummel, Boulder and Jefferson Counties, Third District.
 Silas B. Hahn, Gilpin County, Fourth District.
 E. L. Salisbury, Gilpin County, Fourth District.
 R. S. Morrison, Clear Creek, Summit and Grand Counties, Fifth District.
 Andrew D. Wilson, Douglas, Bent and Elbert Counties, Sixth District.
 James Rice, Pueblo and El Paso Counties, Seventh District.
 James Clelland, Fremont, Park, Lake and Saguache Counties, Eighth District.
 P. A. McBride, Las Animas County, Ninth District.
 Silverio Suaso, Huerfano County, Tenth District.

Adair Wilson, Costilla, Conejos, Rio Grande, Hinsdale and La Plata Counties
Eleventh District.

REPRESENTATIVES.

Alfred Butters of Arapahoe, Speaker; Joseph T. Boyd, Chief Clerk; C. L. Peyton, Assistant Clerk; James W. Galloway, Engrossing Clerk; W. B. Dickinson, Enrolling Clerk; James D. Wood, Sergeant-at-Arms.

Alfred Butters, Arapahoe County, First District.

Edmund L. Smith, Arapahoe County, First District.

Edward Pisko, Arapahoe County, First District.

W. B. Mills, Arapahoe County, First District.

Norman H. Meldrum, Weld and Larimer Counties, Second District.

J. C. McCowan* Weld and Larimer Counties, Second District.

M. N. Everett, Jefferson County, Third District.

David C. Patterson, Boulder County, Fourth District.

George Rand, Jefferson and Boulder Counties, Fifth District.

John C. McShane, Gilpin County, Sixth District.

Frederick Kruse, Gilpin County, Sixth District.

William Larned, Gilpin County, Sixth District.

John H. Yonley, Clear Creek, Summit and Grand Counties, Seventh District.

J. M. Nimerick, Douglas and Elbert Counties, Eighth District.

Frank Bingham, Bent County, Ninth District.

Albinus Z. Sheldon, Pueblo and El Paso Counties, Tenth District.

H. O. Rettberg, Pueblo and El Paso Counties, Tenth District.

James Y. Marshall, Fremont, Park, Lake and Saguache Counties, Eleventh District.

I. N. Peyton, Fremont, Park, Lake, and Saguache Counties, Eleventh District.

Donaciano Gurule, Las Animas County, Twelfth District.

Nicanora D. Jarramilla, Las Animas County, Twelfth District.

Manrico Apadaca, Las Animas County, Twelfth District.

Herman Duhme, Jr., Huerfano County, Thirteenth District.

Francisco Sanchez, Costilla County, Fourteenth District.

T. M. Trippe, Conejos, Rio Grande, Hinsdale, and La Plata Counties, Fifteenth District.

Reuben J. McNutt, Conejos, Costilla, Rio Grande, Hinsdale and La Plata Counties, Sixteenth District.

A CONSTITUTIONAL CONVENTION assembled at Denver on the 8th of August, 1865, and adjourned August 12th, having framed a Constitution which was submitted to a vote of the people on the first Tuesday of September, 1865, and the same was adopted by a majority of one hundred and fifty-five votes.

The Convention was composed of the following named gentlemen:

W. A. H. Loveland, President; Webster D. Anthony of Arapahoe, Secretary.

Samuel E. Browne, Arapahoe County.

* Absent during the whole session.

John Q. Charles, Arapahoe County.
J. Bright Smith, Arapahoe County.
James M. Cavanaugh, Arapahoe County.
Richard Sopris, Arapahoe County.
Joseph M. Brown, Arapahoe County.
George T. Clark, Arapahoe County.
John A. Koontz, Arapahoe County.
D. H. Goodwin, Arapahoe County.
A. C. Hunt, Arapahoe County.
Charles A. Cook, Arapahoe County.
G. W. Miller, Arapahoe County.
David H. Nichols, Boulder County.
P. M. Hinman, Boulder County.
D. Pound, Boulder, Weld and Larimer Counties.
A. Lumry, Boulder, Weld and Larimer Counties.
W. E. Sisty, Clear Creek County.
J. T. Herrick, Clear Creek County.
Robert White, Clear Creek County.
Charles B. Patterson, Clear Creek County.
John Lock, Clear Creek County.
D. P. Wilson, Fremont County.
E. S. Perrin, Gilpin County.
William E. Darby, Gilpin County.
B. C. Waterman, Gilpin County.
Rodney French, Gilpin County.
A. J. Van Deren, Gilpin County.
H. F. Powell, Gilpin County.
L. H. Judd, Gilpin County.
C. W. Mather, Gilpin County.
B. F. Lake, Gilpin County.
G. E. Randolph, Gilpin County.
W. S. Rockwell, Gilpin County.
O. J. Hollister, Gilpin County.
W. R. Gorsline, Gilpin County.
Truman Whitcomb, Gilpin County.
G. B. Backus, Gilpin County.
W. A. H. Loveland, Jefferson County.
T. C. Bergen, Jefferson County.
T. P. Boyd, Jefferson County.
H. H. DeMary, Lake County.
N. F. Cheesman, Lake County.
C. Nachtrieb, Lake County.
Harrison Anderson, Lake County.
John McCannon, Lake County.
Thomas Keys, Lake County.

W. J. Curtice, Park County.
 Alex. Hatch, Park County.
 Alfred DuBois, Park County.
 Henry Henson, Park County.
 J. D. Parmelee, Park County.
 George W. Lechner, Park County.
 H. B. Haskell, Summit County.
 John T. Lynch, Summit County.
 G. W. Coffin, Weld and Larimer Counties.
 J. E. Washburn, Weld and Larimer Counties.
 F. Merrill, First Regiment Colorado Cavalry.
 J. L. Pritchard, Second Regiment Colorado Cavalry.
 G. W. Hawkins, First Regiment Colorado Cavalry.
 C. C. Hawley, First Regiment Colorado Cavalry.
 B. F. Pine.
 W. G. Reid.

The State Legislature convened at Golden, December 12th, 1865, adjourned to Denver December 16th, and adjourned *sine die*, December 19th, 1865.

SENATE.

George A. Hinsdale, Lieutenant Governor, President; John Walker, Secretary;
 Edwin H. Brown, Assistant Secretary; H. B. Haskell, Sergeant-at-Arms.
 Leander M. Black, Boulder, Larimer and Weld Counties, First District.
 Charles A. Cook, Arapahoe and Douglas Counties, Second District.
 L. B. McLain, Arapahoe and Douglas Counties, Second District.
 Truman Whitcomb, Gilpin County, Third District.
 L. L. Bedell, Gilpin County, Third District.
 A. G. Langford, Gilpin County, Third District.
 W. A. H. Loveland, Clear Creek and Jefferson Counties, Fourth District.
 James Costello, Park County, Fifth District.
 Adam B. Cooper, Summit County, Sixth District.
 H. H. De Mary, Lake County, Seventh District.
 John W. Henry, Pueblo, El Paso, Huerfano and Fremont Counties, Eighth District.
 Jesus M. Velasquez, Conejos County, Ninth District.
 J. L. Gasper, Costilla County, Tenth District.

REPRESENTATIVES.

D. P. Wilson of Fremont, Speaker; L. H. Shepherd, Chief Clerk; C. J. McDivitt, Assistant Clerk; Charles Bartholomew, Sergeant-at-Arms.
 A. Lumry, Weld and Larimer Counties, First District.
 Robert L. Hatten, Arapahoe and Douglas Counties, Second District.
 G. H. Greenslit, Arapahoe and Douglas Counties, Second District.
 William Garrison, Arapahoe and Douglas Counties, Second District.

D. G. Peabody, Arapahoe and Douglas Counties, Second District.
 A. Wright, Boulder County, Third District.
 T. C. Bergen,* Jefferson County, Fourth District.
 David H. Nichols, Boulder and Gilpin Counties, Fifth District.
 Isaac Wicher, Gilpin County, Sixth District.
 J. E. Scobey, Gilpin County, Sixth District.
 Stephen Goodall, Gilpin County, Sixth District.
 L. W. Chase, Gilpin County, Sixth District.
 C. B. Patterson, Clear Creek County, Seventh District.
 B. R. Colvin, Clear Creek County, Seventh District.
 James A. Pierce, Summit County, Eighth District.
 Aaron Hopkins, Summit County, Eighth District.
 George W. Lechner, Park County, Ninth District.
 Charles L. Hall, Park County, Ninth District.
 Thomas Keys, Lake County, Tenth District.
 T. C. Hughes, Lake County, Tenth District.
 Pedro Arragon, Conejos County, Eleventh District.
 Jose Gabriel Martine, Conejos County, Eleventh District.
 Pedro Lobato, Costilla and Huerfano Counties, Twelfth District.
 Matt Riddlebarger, Costilla and Huerfano Counties, Twelfth District.
 D. P. Wilson, Fremont County, Thirteenth District.
 George A. Bute, Pueblo and El Paso Counties, Fourteenth District.

COLORADO PIONEERS.

The list following was taken from the records of the Colorado Pioneers' Association of Denver. While it is incomplete, owing to the fact that a very large number have not signed the roll, it is the best obtainable:

NAME.	RESIDENCE.	ARRIVAL.	BIRTHPLACE AND DATE.
C. S. Abbott.....	Denver	May, 1860.....	Mass., Aug. 12, 1832.
T. J. Almy.....	Salt Lake.....	May 28, 1859...	R. I., April 7, 1836.
C. G. Anderson....	Fairplay.... .	July, 1860.....	Sweden, June 22, 1841. Dead.
J. C. Anderson....	Denver	May, 1860.....	New York, April 19, 1837.
T. G. Anderson....	Denver	June 9, 1859...	Ohio, Aug. 28, 1832.
F. L. Andre.....	Denver.....	June 15, 1859...	Aug. 2, 1835.
J. W. Anthony....	Buena Vista.....	June, 1859.....	
W. D. Anthony....	Denver.....	June 8, 1860....	New York, June 4, 1838.
S. J. Anthony.....	Denver.....	March 13, 1860 .	New York, July 22, 1830.
J. Armor.....	Denver.....	Aug. 17, 1859...	Ireland, Dec. 27, 1826.
W. D. Arnett.....	Bear Creek.....	June 16, 1859...	Ohio, Nov. 6, 1828.

* Seat contested by Simon Cort.

NAME.	RESIDENCE.	ARRIVAL.	BIRTHPLACE AND DATE.
Wm. Ashley.....	Pine Grove.....	June, 1860.....	Ohio, July 22, 1826.
John Atkinson.....	Denver.....	May 21, 1860....	England, May 11, 1817.
Geo. Aux.....	Colorado Springs..	May, 1859.....	Pa., Aug. 11, 1837.
J. W. Austin.....	Denver.....	June 14, 1859...	Mass., June 4, 1832.
H. C. Allebaugh..	Denver.....	May 21, 1860....	Ind., July 29, 1852.
G. B. Allen.....	Golden.....	Sept., 1858.....	N. Y., May 17, 1825.
Chas. Anderson....	Denver.....	June 7, 1860....	Sweden, Sept. 1, 1826.
J. A. Babb.....	Denver.....	May 20, 1860....	N. H., Feb. 10, 1837.
L. W. Bacon.....	Denver.....	July 4, 1859 ...	Pa., Jan. 1, 1834.
A. W. Bailey.....	Denver.....	May 10, 1860....	N. Y., Dec. 20, 1835.
A. Baker.....	Denver.....	March, 1860....	N. Y., March 24, 1816.
N. A. Baker.....	Denver.....	March, 1860....	New York.
M. A. Baldwin....	Platte River.....	June 15, 1860....	Ill., Jan. 15, 1858.
W. E. Baldwin....	Denver.....	June 15, 1860....	Ill., Oct. 17, 1824.
C. D. Baldwin....	North Park.....	June, 1860.....	N. Y., Oct. 25, 1825.
G. W. Bancroft....	Denver.....	June 15, 1857..	Mo., May 12, 1832.
G. C. Banning.....	Denver.....	May 12, 1860....	Ohio, July 9, 1836.
A. H. Barker.....	Denver.....	Oct. 15, 1858...	Ohio, Nov. 23, 1822.
David Barnes.....	Loveland.....	May 1, 1860....	Ill., Oct. 2, 1821.
Wm. Barnes.....	Denver.....	Aug., 1859.....	Ill., Sept. 25, 1835.
L. Barney.....	Denver.....	May 7, 1859....	Vermont, Aug. 13, 1829.
Wm. M. Barney....	Longmont.....	July 9, 1859....	Ohio.
G. W. Barrett....	Denver.....	April, 1859....	Tenn., Oct. 8, 1834.
Jos. E. Bates.....	Denver.....	June 27, 1860....	N. Y., May 5, 1835.
H. B. Bearce.....	Denver.....	May, 1860.....	Mo., May 26, 1830.
W. B. Beatty.....	Denver.....	Oct., 1857.....	Ohio, 1838.
C. R. Bell.....	Aspen.....	May 26, 1860..	Ohio, March 20, 1853.
Clifton Bell.....	Denver.....	July 16, 1859..	April 17, 1840.
E. M. Bell.....	Denver.....	May 10, 1860....	Ind., Oct. 23, 1835. Dead.
L. Bell.....	Fountain.....	May, 1860....	Ill., March 17, 1837.
Van C. Bell.....	Denver.....	May 26, 1860....	Ia., Nov. 3, 1859.
E. G. Bennett.....	Denver.....	June 24, 1860..	Mass., 1808.
Wm. Bemrose.....	Denver.....	Oct. 5, 1859....	Feb. 12, 1836.
H. P. Bennet.....	Denver.....	Oct. 5, 1859....	Maine, Sept. 2, 1826.
L. W. Berry.....	Idaho Springs....	May, 1859.....	N. Y., Dec. 1, 1822.
J. C. Bertollette..	Deer Creek.....	May 5, 1858....	Pa., Dec. 13, 1837.
Fred Bertroff....	Cherry Creek....	Nov. 5, 1858....	Germany, Jan. 31, 1832.
G. N. Billings....	Denver.....	July, 1860.....	N. Y., 1836.
C. H. Blair.....	Breckenridge ..	May 11, 1860....	Ohio, Aug. 11, 1835.
C. S. Blake.....	Denver.....	Sept., 1860....	Mass., May 7, 1838.
Chas. Bledsoe....	Summit Co.....	Dec., 1858.....	Mo., Nov. 17, 1842.
Jos. Block.....	.....	Oct., 1859.....	France, Sept., 1830.
L. W. Borton.....	Clyde, Kan.....	June, 1859.....	Ohio, Sept. 1, 1832.
Reuben Borton....	Marion, Ill.....	June, 1859.....	Ohio, Nov. 17, 1822.

NAME.	RESIDENCE.	ARRIVAL.	BIRTHPLACE AND DATE.
Jas. L. Boutwell...	Denver.....	June 8, 1859....	N. Y., Oct. 27, 1829.
John Boylan.....	Black Hawk.....	Oct., 1858.....	Ohio, Feb. 3, 1840.
T. C. Brainard.....	Boulder.....	Jan. 15, 1859...	Ohio, Feb. 7, 1843.
J. H. Bradstreet...	Denver.....	May 18, 1859...	Me., May 6, 1832.
G. G. Brewer.....	Denver.....	May, 1860.....	Mass., Oct. 16, 1836.
Henry Briggs.....	Denver.....	June, 1860.....	N. Y., Oct. 3, 1827.
J. M. Broadwell...	Denver.....	Apr. 2, 1859....	May 6, 1827.
A. A. Brookfield...	Boulder.....	Oct., 1858.....	N. J., Jan. 31, 1830.
Elias Brown.....	Denver.....	May 6, 1859....	New Jersey.
J. M. Brown.....	Arapahoe Co.....	June, 1859.....	Md., May 16, 1832.
G. W. Brown.....	.....	June 15, 1859..	.....
S. R. Brown.....	Littleton.....	.....	Colo., Mar. 21, 1860.
J. F. Butler.....	.....	July 18, 1860...	.....
C. S. Burdsal.....	Denver.....	May 18, 1859...	Ohio, July 23, 1808.
W. N. Burnes.....	Denver.....	1860.....	1836.
W. N. Byers.....	Denver.....	April 8, 1859...	Ohio, Feb. 22, 1831.
A. A. Bradford ...	Pueblo.....	June 10, 1860...	Me., July 23, 1815.
John Bennett....	Littleton.....	May 15, 1860...	England, 1820.
J. A. Barker.....	Denver.....	Aug. 19, 1860...	N. Y., Jan. 22, 1831.
Alfred Butters....	Denver.....	June 14, 1860...	Me., May 27, 1836.
G. H. Bressler....	Breckenridge.....	May 14, 1859...	Ohio, June 16, 1836.
Alden Bassett.....	Del Norte.....	.....	.....
J. H. Batchelor...	Denver.....	May 27, 1860...	Me., Apr. 25, 1828.
O. P. Bassett.....	Leadville.....	June 18, 1860....	N. Y., Jan. 16, 1827.
J. Blanchard.....	Denver.....	June 22, 1859...	N. Y., July 18, 1833.
Anthony Bott....	Colo. City.....	Oct. 10, 1858...	Alsace, France.
J. L. Bailey.....	Denver.....	June 10, 1859...	Pa., Aug. 15, 1835.
G. T. Bugh.....	Cotton Creek.....	May, 1860....	Ohio, Dec. 28, 1828.
A. K. Brown.....	Chapman, Colo.....	May, 1860:.....	Pa., May 28, 1832.
J. H. Brown.....	Golden.....	May 27, 1860...	Ill., Nov. 5, 1837.
F. S. Byers.....	Hot Sulph. Springs.	Aug. 7, 1859....	Neb., Oct. 16, 1855.
C. A. Bartholomew..	Breckenridge.....	Apr. 17, 1859..	Ohio, July 17, 1839.
G. W. Bennett....	Denver.....	Oct. 5, 1859....	Pa., Aug. 4, 1836.
J. H. Baugh.....	Longmont.....	June 1, 1859....	Mo., Feb. 6, 1832.
T. C. Bergen.....	Morrison.....	June 23, 1859...	Ind., June 8, 1820.
A. S. Babcock.....	Littleton.....	June 25, 1859....	Conn., Feb. 20, 1838.
A. W. Brownell...	Denver.....	May 24, 1860....	Wis., July 5, 1839.
M. D. Balsinger...	Bald Mt ...	June 15, 1860....	Pa., Dec. 22, 1830.
J. L. Brush.....	Greeley.....	June 3, 1859....	Ohio, July 6, 1837.
Robt. Boyd ...	Greeley.....	May 22, 1859....	Mass., Sept. 21, 1837.
B. S. Buell.....	Central City..	May 6, 1860....	N. H., Jan. 26, 1836.
Daniel Banta.....	Denver.....	June 1, 1859....	Ind., May 30, 1829.
W. J. Barker.....	Denver.....	April 5, 1860...	N. Y., Dec. 23, 1831.
J. W. Bowles.....	Littleton.....	May 25, 1859..	N. C., July 17, 1836.

APPENDIX.

NAME.	RESIDENCE.	ARRIVAL.	BIRTHPLACE AND DATE.
Geo. Baldey.....	New Orleans.....	Sept. 15, 1859..	Pa., Aug. 26, 1830.
W. L. Campbell.....	Denver.....	May 15, 1860...	N. Y., Oct. 8, 1829.
J. N. Carlisle.....	Pueblo.....	April, 1860.....	Ohio, Oct., 1836.
M. B. Case.....	Loveland.	June 28, 1860...	
O. D. Cass.....	Denver.....	May 13, 1860...	N. H., Aug. 2, 1823.
J. B. Chaffee.....	Denver.....	Mar., 1860.....	N. Y., April 17, 1825.
T. J. Chandler.....	Denver.....	Mar., 1860.....	N. Y., Oct. 29, 1830.
F. Charpiot.....	Denver.....	Nov., 1859.....	France, Jan. 1, 1829.
Ed. Chase.....	Denver.....	June 6, 1860...	N. Y., 1836.
B. F. Cheeseman.....	Denver.....	July 10, 1860...	N. Y., 1826.
D. A. Cheever.....	Denver.....	July 6, 1859....	Mass., 1824.
G. M. Chilcott.....	Pueblo.	May, 1859.....	Pa., Jan. 28, 1828.
G. T. Clark.....	Denver.....	May, 1860.....	Mass., Feb. 24, 1837.
J. W. Clark.....	Denver.....	Sept. 13, 1858...	Va., Jan. 13, 1815.
W. H. Clark.....	Denver.....	Oct. 28, 1858...	Ohio, July 19, 1835.
C. J. Clarke.....	Denver.....	July 1, 1860....	Va., 1843.
H. M. Clay.....	Douglas Co.....	June 10, 1859..	Mo., Sept. 27, 1836.
M. D. Clifford.....	Denver.....	June, 1860	Ireland.
S. C. Clinton.....	Denver.....	June 26, 1859..	N. Y., Sept. 10, 1834.
A. S. Cobb.....	Denver.....	Feb., 1860.....	Mass., July 18, 1836.
E. W. Cobb.....	Denver.....	June, 1859.....	Mass., Nov. 24, 1827. Dead.
F. M. Cobb.....	Denver.....	June, 1858.....	Me., 1832.
J. G. Coberly.....	Middle Park.....	Nov. 5, 1858....	Ill., April 6, 1843.
W. D. Coberly.....	Denver.....	1858.	Ill., 1840.
J. N. Cochran ...	Silver Cliff.....	Aug. 17, 1858..	Va., April 10, 1826.
Wm. Cole.....	Denver.....	Oct. 28, 1858...	N. Y., Feb. 16, 1837.
G. M. Collier.....	Denver.....	April 1, 1860...	N. Y., July 4, 1844.
E. H. Collins.....	Denver.....	Oct. 10, 1860...	N. Y., Aug. 31, 1829.
W. S. Collins.....	Denver.....	May, 1860.....	N. Y., July, 1826.
M. R. Comfort....	Denver.....	June 3, 1860...	N. Y., Nov., 1835.
David Connelly....	Denver.....	July 1, 1859....	N. Y., Sept. 13, 1826.
Fred. Converse....	Denver.....	June 4, 1860...	Vt., Feb. 12, 1819.
J. A. Connell.....	Montezuma.	June 5, 1860...	Ohio, Sept. 23, 1840.
D. J. Cook.....	Denver.....	June 17, 1859..	Ind., August.
G. W. Cook.....	Denver.....	March 6, 1859..	N. Y., Oct. 31, 1839.
J. D. Copeland....	Denver.....	Aug., 1860.....	Ind., March 7, 1844.
Birks Cornforth....	Denver.....	June 17, 1860...	England, Dec. 12, 1836.
Jerry Coulehan....	Denver.....	May 18, 1860...	Ireland, Aug. 17, 1838.
J. H. Craig.....	Castle Rock.....	May, 1859.....	Pa., Oct. 27, 1827.
G. W. Craig.....	Denver.....	Sept., 1859....	N. H., 1830.
Thos. Crippen....	Denver.....	Aug., 1859....	Canada, Jan. 28, 1837.
Henry Crow.....	Denver.....	1859.....	Canada, 1830.
Thos. Cryder.....	Denver.....	1860.....	Illinois, 1836.
W. J. Curtice.....	Denver.....	April 8, 1859...	N. Y., Sept. 14, 1826.

NAME.	RESIDENCE.	ARRIVAL.	BIRTHPLACE AND DATE.
Rodney Curtis....	Denver.....	1860.....	N. Y., 1839.
L. W. Cutler.....	Denver.....	June 1, 1860...	N. Y., 1826.
C. G. Cheever.....	Denver.....	Aug. 18, 1859..	Mass., Sept. 17, 1827.
J. M. Chivington..	Denver.....	June 4, 1860....	Ohio, Jan. 27, 1821.
T. A. Campbell....	Denver.....	Nov., 1859.....	Ohio, Aug. 27, 1838.
F. Christ.....	Watkins.....	May 1, 1859....	Pa., Feb. 28, 1831.
F. B. Crocker....	Denver.....	July 2, 1860....	Mass., June 5, 1828.
C. C. Cady.....	Denver.....	July 6, 1860....	Mass., March 5, 1815.
Chas. Corbin.....	Denver.....	1859.....	Ohio, 1832.
G. A. Crofutt....	Denver.....	June, 1860.....	Conn., Aug. 13, 1827.
John Cree.....	Denver.....	June, 1860.....	Ohio.
Wm. Crowley.....	Denver.....	.....	Colorado, Dec., 1860.
Alex. Cree.....	Georgetown.....	June, 1860.....	Ohio, March 18, 1840.
D. C. Crawford....	Golden.....	May 5, 1860....	Mich., Sept. 5, 1838.
B. F. Crowell.....	Colorado Springs..	June 25, 1860..	Mass., Jan. 8, 1835.
H. A. Cummings..	Denver.....	March 12, 1860.	Mass., July 30, 1835. Dead.
W. M. Crull.....	Denver.....	June 20, 1860..	Ohio, Oct. 7, 1818.
W. A. Corson.....	Colorado Springs..	June 15, 1859..	Ohio, April 22, 1836.
Isaac Cooper.....	Denver.....	May 4, 1859....	Ill., Oct. 15, 1839. Dead.
J. B. Cooper.....	Alameda, Cal	April 28, 1860..	Vt., Sept. 30, 1828.
J. A. Connors....	Denver.....	April 11, 1859..	Canada, June 27, 1835.
H. P. Cowenhoven.	Aspen.....	June 27, 1859..	Prussia, March 20, 1814.
Thos. Cross.....	Loveland	June 15, 1859..	Pa., March 29, 1837.
M. B. Corbin.....	Breckenridge.	Aug. 15, 1860..	N. Y., May 22, 1838.
Chas. H. Colburn..	Hopedale, Mass....	June 1, 1860....	Mass., Aug. 15, 1836.
J. L. Dailey.....	Denver.....	April 8, 1859..	Ohio, Nov. 19, 1833.
M. C. Dailey.....	Denver.....	April 27, 1859..	Pa., 1840.
Wm. M. Dailey....	Denver.....	1859	Ohio.
R. N. Daniels....	Rosita.....	April 20, 1860..	Mich., March, 1833.
B. F. Darrah	Denver.....	June 20, 1859..	N. H., Jan. 26, 1828.
H. H. De Mary....	Soda Springs.....	June 3, 1859....	N. Y., Dec. 4, 1814.
C. T. Deuel.....	Denver.....	June, 1860	Va., April 14, 1833.
Jas. Devlin.....	Denver.....	April, 1859....	Ireland, 1836.
Almon Dibble....	Denver.....	June 5, 1860....	N. Y., Sept. 10, 1824.
T. C. Dickson....	Cheyenne.....	June 20, 1858..	Ohio, Jan. 2, 1828.
Louis Doll.....	Denver.....	June 25, 1860..	Germany, April 25, 1825.
J. W. Donellan ...	Wyoming	July, 1859.....	Ireland, June 9, 1841.
Jacob Downing...	Denver.....	April 1, 1859..	N. Y., April 12, 1830.
G. W. Drake.....	Denver.....	May 11, 1859..	Ohio, Nov. 8, 1838.
Lester Drake.....	Denver.....	July 22, 1860..	N. Y., July 31, 1822.
J. W. Drips.....	Black Hawk.....	July 24, 1860..	Pa., March 6, 1833.
J. H. Dudley.....	Denver.....	Oct., 1858.....	New York.
J. J. Dunagan....	Denver.....	April 1, 1860..	Mo., Aug. 5, 1838.
Wm. Davis.....	St. Elmo.....	June 11, 1860..	Ohio, March 21, 1825.

APPENDIX.

NAME.	RESIDENCE.	ARRIVAL.	BIRTHPLACE AND DATE.
J. N. Douglas....	Denver.....	June 29, 1860..	Ohio, Dec. 20, 1837.
T. A. Davis.....	Telluride.....	July 9, 1859....	Ohio, Feb. 11, 1841.
Geo. Dane.....	Cherry Creek....	July 15, 1860..	Canada, Feb. 16, 1835.
P. H. Dunagan....	Denver.....	May 4, 1859....	Tenn., Feb. 28, 1834.
E. E. Davis.....	Denver.....	June 6, 1860....	Wales, March 25, 1834.
J. H. Eames.....	Denver.....	July 23, 1860..	Vt., June 14, 1820.
J. R. Early.....	Denver.....	May 4, 1859....	Pa., Jan. 4, 1834.
B. H. Eaton.....	Greeley	1859.....	Iowa, July, 1833.
Milton Estes.....	Weld Co.....	June, 1859....	Mo., March 28, 1840.
Elisha Evans....	Berthoud.....	June 1, 1860....	Pa., Dec. 20, 1825.
J. F. Evans.....	Leadville....	Oct., 1859....	Pa., Oct. 22, 1836.
T. P. Evans.....	Denver.....	Sept. 15, 1859..	Va., Jan. 26, 1834.
D. W. Ewing.....	Lupton.....	1859.....	Pa., 1829.
Geo. Engl.....	Frankstown.....	Aug. 15, 1860..	Bavaria, July 19, 1828.
Chas. Eyser.....	Denver.....	July 6, 1859....	Germany, Sept. 6, 1822.
Oscar Ennes.....	Evans.....	July 8, 1860....	Ohio, July 19, 1835.
J. W. Fassett.....	Denver.....	June 15, 1859..	Ill., Jan. 7, 1836.
A. C. Fellows.....	Denver.....	June 8, 1860....	Pa., Sept. 13, 1833.
D. R. Fisher.....	Denver.....	June 15, 1860..	Canada, May 31, 1834.
Perry Fisher.....	Denver.....	June 17, 1860..	Ind., Aug. 3, 1838.
J. B. Fitzpatrick..	Golden.....	June 17, 1859..	Canada, June 26, 1830.
J. E. Force.....	Denver.....	1860.....	Pa., 1838.
B. L. Ford.....	Breckenridge	May 18, 1860..	Va., Jan. 22, 1822.
E. F. Ford.....	Breckenridge	Aug. 1, 1860....	Kan., Sept. 17, 1856.
D. R. Ford.....	Denver.....	July, 1859....	Me., May 16, 1819.
J. W. Fowler.....	Henderson Island..	June 18, 1860..	Ohio, Dec. 7, 1818.
J. M. Fox.....	Denver.....	April 23, 1860..	Mo., 1826.
Edgar Freeman...	Empire	Nov. 1, 1858....	Pa., Oct. 20, 1835.
B. P. Frink.....	New Haven.....	July, 1860.....	New B., Jan. 20, 1828.
W. B. Foster.....	Denver.....	June, 1859....	Va., March 1, 1830.
Larkin Ford.....	Denver.....	May 29, 1860..	Ind., Oct. 15, 1844.
Geo. Fahnon.....	Kiowa.....	April, 1860....	Germany, April 16, 1836.
C. R. Fish.....	Denver.....	May 25, 1860..	Vt., Nov. 27, 1828.
Matt. France.....	Colorado Springs..	June 1, 1860....	Va., Sept. 2, 1830.
J. T. Fleming....	Fairfield	May 15, 1860..	Ohio, May 13, 1833.
J. J. Gangloff....	Park Co.....	May, 1860.....	
E. L. Gardner....	Denver.....	June 28, 1860..	N. Y., July 25, 1819.
J. F. Gardner....	Frankstown.....	May 14, 1859....	N. Y., Nov. 2, 1834.
J. P. Gardner....	Denver.....	June, 1860....	Ill., Aug. 16, 1847.
John Geil.....	Denver.....	June, 1860....	Bavaria, March 24, 1831.
Thos. Gibson....	Omaha	April 8, 1859....	June 1, 1819.
C. C. Gird.....	Denver.....	June 5, 1860....	Ohio, Sept. 3, 1836.
O. J. Goldrick....	Denver.....	Aug., 1859....	Ireland, March 30, 1834. Dead.
John Good.....	Denver.....	May 13, 1859....	France, Oct. 14, 1836.

NAME.	RESIDENCE.	ARRIVAL.	BIRTHPLACE AND DATE.
C. J. Goss.....	Denver.....	April, 1859.....	Vt., March 12, 1821.
S. S. Green.....	Greenland.....	June 28, 1860....	Ind., Dec. 14, 1841.
W. H. Green.....	Denver.....	Oct., 1858.....	N. J., Nov. 23, 1828.
L. N. Greenleaf ...	Denver.....	May, 1860.....	Mass., Oct. 4, 1838.
C. C. Griffith.....	Denver.....	June, 1859.....	Mo., March 15, 1831.
C. R. Godfrey....	Denver.....	May, 1860.....	N. Y., July 4, 1829.
Henry Gibson....	Omaha.....	Apr. 19, 1859..	England, Jan. 22, 1840.
D. W. Griffey....	Denver.....	Dec., 1858.....	Ky., June 24, 1830.
A. D. Gambell.....	.....	May 30, 1859 .	Ohio, Jan. 27, 1832.
D. W. Gallagher...	Denver.....	May 1, 1859....	Ohio, Jan. 28, 1834.
R. H. Gibson....	Idaho Springs....	July 10, 1860....	Ind., Jan. 21, 1832.
L. D. Gambell....	Denver.....	May 28, 1860....	Ohio, Feb. 5, 1854.
A. C. Giltner.....	Denver.....	July 14, 1859....	N. Y., Dec. 28, 1818.
G. C. Griffin.....	Island Station....	Oct. 10, 1859...	Conn., Oct 21, 1835.
F. A. Hale.....	Denver.....	Oct. 4, 1860....	N. Y., Dec. 25, 1855.
J. A. Hall....	Denver.....	May 22, 1860....	Mass., March 12, 1829.
A. Hall.....	Denver.....	1860.....	1842.
J. T. Hall.....	Salida.....	June, 1860.....	Mass., 1832.
Frank Hall.....	Denver.....	June, 1860.....	N. Y., March 4, 1836.
Nelson Hallock....	Denver.....	June 19, 1859..	N. Y., Sept. 5, 1840.
J. R. Hambel....	Georgetown . . .	May 30, 1860...	Ohio, Sept. 15, 1840.
J. F. Hamilton....	Salt Lake.....	June 1, 1860....	Conn., Dec. 22, 1830.
R. J. Hamilton....	Denver.....	Nov. 2, 1858....	Ohio, Nov. 23, 1834.
U. S. Hammel....	Leadville.	Apr. 15, 1859..	Ohio, 1832.
Leander Hannum..	Denver.....	May 30.....	N. H., Jan. 6, 1838.
C. R. Hartman....	Denver.....	1860.....	1836.
Thos. Hartman....	Coal Creek.....	May 9, 1860....	Canada, April 6, 1818.
J. H. Harolson....	Fountain.....	June 27, 1859....	Ill., Aug. 5, 1841.
G. W. Harrison....	Morrison.....	July 5, 1860....	Canada, Sept. 26, 1826.
J. W. Hatfield....	Denver.....	April, 1859.....	Ill., 1854.
W. T. Hawkett....	Denver.....	June 19, 1859....	N. Y., Nov. 12, 1841.
B. M. Heermans...	Denver.....	Sept., 1860....	N. Y., May 31, 1822.
J. T. Henderson...	Denver.....	May 17, 1859...	England, 1836.
Jas. Henshall....	Denver.....	June 20, 1859...	Md., Feb. 18, 1835.
Louis Herman....	Denver.....	Dec. 18, 1858..	Kan., Aug. 16, 1830.
H. H. Hewitt....	Denver.....	May, 1860....	N. Y., May 9, 1833.
D. H. Haywood...	Denver.....	July 2, 1860 ...	Mass., April 19, 1826.
A. G. Hoops.....	Breckenridge. .	May 26, 1860...	Pa., July 26, 1833.
Joseph Hodyson..	Denver.....	June 19, 1859...	N. Y., March 11, 1831.
Wm. Hodyson....	Denver.....	June 19, 1859...	N. Y., March 26, 1838.
J. H. Holmes.....	Denver.....	July, 1859.....	N. Y., 1832
G. M. Hopkins....	Denver.....	June 10, 1860...	Ill., Nov. 15, 1835.
G. L. Howard....	Boulder.....	June 20, 1858..	Miss., Aug. 2, 1835.
J. D. Howland....	Denver.....	Oct., 1857.....	Ohio, 1843.

NAME.	RESIDENCE.	ARRIVAL.	BIRTHPLACE AND DATE.
N. S. Hurd.....	Denver.....	Dec., 1860....	Vermont, 1837.
A. C. Hunt.....	Denver.....	June 18, 1859...	N. Y., Dec. 23, 1825.
W. A. Hunter.....	Idaho Springs....	June 28, 1860...	Ohio, June 30, 1836.
W. W. Hall.....	Denver.....	May 20, 1860...	N. Y., March 20, 1835.
W. H. Hurlburt.....	.....	May 22, 1860...	N. Y., Sept. 5, 1830.
P. P. Herbert....	Denver.....	June 16, 1860...	N. Y., Nov. 26, 1832.
F. J. Huber.....	Kiowa.....	June, 1859....	Switzerland, June 22, 1834.
E. T. Hawkins.....	.....	.....	Dead.
C. L. Hall.....	Leadville.....	May, 1859....	N. Y., Nov. 22, 1835.
W. Hammer.....	Littleton.....	June 6, 1860....	Pa., March 16, 1829.
J. J. Hagus.....	Denver.....	April 14, 1860..	Prussia, Sept. 24, 1838.
Lafayette Head....	Conejos.....	Nov. 24, 1854...	Mo., April 19, 1825.
D. M. Holden.....	Colorado Springs..	July 15, 1859...	N. Y., Aug. 10, 1833.
C. R. Husted.....	.....	June, 1860....	N. J., Dec. 31, 1832.
Frank Headley....	Denver.....	May 25, 1860...	Iowa, April 7, 1856.
W. S. Hurlburt....	Cheyenne.....	July, 1860....	Va., Sept. 30, 1840.
B. P. Hamon.....	Denver.....	April 11, 1859..	Pa., Nov. 5, 1824.
J. V. Higgins.....	Denver.....	July 15, 1860...	N. Y., Sept. 25, 1832.
Geo. Howard.....	Summit Park.....	June 27, 1860..	Pa., March 11, 1832.
Sam Hartsel.....	Hartsel.....	May 24, 1860..	Vt., Nov. 22, 1833.
H. E. Hyatt.....	Denver.....	June 21, 1860....	Vt., June 25, 1814.
Thos. Hooper.....	Central City.....	Aug. 5, 1860....	Wales, May 23, 1843.
O. H. Henry.....	Denver.....	July 10, 1860...	Vt., Oct. 14, 1842.
M. Ivory.....	Denver.....	Oct., 1858....	Ireland, 1833.
W. H. Iliff.....	Breckenridge.....	July 6, 1859...	Ohio, Jan. 4, 1836.
R. F. Jackson....	Fort Lupton.....	1859.....	Indiana.
A. Jacobs.....	Denver.....	June, 1859....	Bavaria, Aug., 1834.
J. S. Jones.....	Boulder.....	June, 1859....	Kentucky, 1811.
W. H. James.....	Denver.....	June 10, 1860..	Wales, Feb. 5, 1838.
T. W. Johnson....	Denver.....	June 10, 1859...	Mich., April 9, 1832.
J. H. Johnston....	Buena Vista.....	May, 1860....	Mo., May 21, 1834.
A. M. Jones.....	Denver.....	June 24, 1860...	Va., Oct. 31, 1835.
J. C. Jones.....	.....	May, 1860....	Pa., Sept. 21, 1840.
T. J. Jones.....	Valmont.....	May 10, 1859....	Ill., Sept. 18, 1820.
Hiram Johnston...	Breckenridge.....	July 2, 1860....	Maine, Aug. 21, 1830.
E. P. Jones.....	Del Norte.....	.....	.....
A. C. Johnston....	Denver.....	May, 1859....	Scotland, May 21, 1830.
B. F. Johnson....	Greeley.....	June 16, 1859...	N. Y., Dec. 13, 1834.
G. W. Kassler....	Denver.....	May 24, 1860..	N. Y., Sept. 12, 1836.
J. C. Kaufman....	Denver.....	May 29, 1860...	Germany, Feb. 28, 1838.
V. B. Kelsey.....	Fort Lupton.....	June, 1859....	Ohio, April 20, 1839.
G. E. Kettle.....	Denver.....	April 6, 1859...	R. I., Oct. 2, 1835.
S. A. King.....	Silver Plume.....	May 8, 1859...	Mass., Jan. 3, 1839.
Jerry Kirtley.....	Georgetown.....	June 26, 1860...	Indiana, 1834.

NAME.	RESIDENCE.	ARRIVAL.	BIRTHPLACE AND DATE.
P. A. Kline.....	Central.....	May, 1859.....	Aug., 1837.
H. Klopfer.....	Denver.....	July 12, 1860....	Bavaria, Nov. 7, 1822.
H. J. Kruse.....	Denver.....	July 2, 1860....	Germany, Nov. 18, 1837.
D. E. Kurtz.....	Denver.....	June 5, 1859....	Pa., Aug. 12, 1821.
Orris Knapp.....	Denver.....	June 5, 1860....	Mass., Oct. 23, 1832.
Jesse Keel.....	Central City.....	June 3, 1859....	Ky., Dec. 23, 1833.
J. S. Langrishe....	Denver.....	Sept., 1860....	Ireland, Sept. 24, 1829.
H. B. Leach.....	Denver.....	July 4, 1860....	Vt., Jan. 26, 1834.
O. E. Lehow.....	Denver.....	Nov. 6, 1858....	Pa., Jan. 24, 1829.
C. Lerchen, Jr....	Denver.....	June 22, 1859..	Germany, Sept. 11, 1839.
J. G. Lilley.....	Littleton.....	Aug. 1, 1860....	England, Jan. 12, 1832.
R. S. Little.....	Littleton.....	1860.....	N. H., May 12, 1829.
I. Lobach.....	Denver.....	April 14, 1860..	Pa., Nov. 23, 1830.
S. M. Logan.....	Denver.....	May, 1859.....	Ohio, Nov. 17, 1822.
Julius Londoner.....		1860.....	Prussia, 1833.
Wolfe Londoner...	Denver.....	May, 1860.....	N. Y., July 3, 1839.
C. A. Loomis.....	Denver.....	Aug. 5, 1859..	Mass., April 18, 1840.
S. I. Lorah.....	Central.....	June 10, 1860...	Ohio, Jan. 20, 1834.
W. A. H. Loveland..	Denver.....	June 22, 1859...	Mass., May 31, 1826.
Henry Ludlow.....	Boulder.....	July 9, 1859....	New York.
James Luttrell.....		Oct., 1858.....	Dist. Columbia, Sept. 17, 1828.
Milton Lutts.....	Denver.....	June 6, 1859....	Ohio, Dec. 27, 1837.
A. Lee.....	Central.....	March 3, 1859..	England, April 15, 1835.
G. W. Lechner.....	Denver.....	July 15, 1859....	Pa., Aug. 28, 1832.
E. K. Lawall	Kiowa.....	Aug., 1860....	Pa., Jan. 29, 1817.
Wm. Lee.....	Denver.....	Sept. 9, 1859..	England, Jan. 30, 1837.
J. E. Lyons.....	San Francisco....	June 1, 1860....	N. Y., March 9, 1820.
W. F. Leonard....	Silver Cliff.....	Dec. 24, 1860...	Ill., Nov. 27, 1840.
J. J. Leonard.....	Denver.....	Nov. 6, 1860....	New York, July 12, 1821.
Oscar Lewis.....	Denver.....	May 30, 1860...	Vt., July 9, 1835.
A. J. Mackey	Boulder.....	July, 1859.....	N. Y., Nov. 11, 1834.
Peter Magnes.....	Arapahoe Co.....	Jan. 18, 1859...	Sweden, March 12, 1824.
W. H. Moine.....	Buena Vista.....	Nov. 19, 1859...	Mich., March, 1838.
C. D. Mann.....	Denver.....	July 4, 1859....	New York, June 23, 1840.
F. J. Marshall....	Denver.....	Nov., 1859.....	Va., April 3, 1816.
Albert Matthews...	New York City....	June, 1860	Mass., Dec. 29, 1829.
J. G. Moyer.....	Denver.....	Sept. 10, 1860..	Baden Baden, Sept. 20, 1827.
J. McBroom.....	Platte River.	May 9, 1858....	Ky., July 26, 1822.
J. McCannon.....	Leadville.....	May, 1859.....	Pa., Jan. 9, 1830.
L. McCarty.....	Denver.....	1860.....	Ohio, June 14, 1829. Dead.
W. O. McClellan..	Denver.....	Aug., 1859.....	Ohio, April 18, 1835.
J. C. McClellan....	Wagon Wheel Gap.	June 26, 1859..	Pa., April 22, 1829.
Ed. McClintock....	Denver.....	Nov. 15, 1860..	Pa., Aug. 5, 1833.
J. S. McCool.....	Island Station....	May, 1860.....	1824.

NAME.	RESIDENCE.	ARRIVAL.	BIRTHPLACE AND DATE.
J. J. McCormick..	Denver.....	June 27, 1859...	Ohio. Dead.
R. McDowell.....	Denver.....	May 8, 1860....	Pa., Sept. 21, 1831.
C. McEwen.....	Denver.....	June 26, 1860...	N. Y., July 26, 1839.
D. McGonigal....	Denver.....	May 16, 1860....	Pa., Aug. 23, 1831.
Wm. J. McKoy....	Denver.....	June 24, 1859...	Nova Scotia, April 12, 1825.
J. C. McKee.....	Denver.....	July, 1860.....	Ireland, April 13, 1825. Dead.
C. H. McLaughlin..	Denver.....	Sept., 1859.....	Pa., April 22, 1827.
D. McShane.....	Monument.....	May 15, 1860....	Pa., Oct. 3, 1830.
G. G. Merrick....	Denver.....	May 7, 1859....	Mass., July 12, 1829.
J. H. Meyer.....	Denver.....	April 20, 1859...	Md., Jan. 22, 1837.
A. F. Middaugh....	Del Norte.....	June 13, 1860...	Pa., Aug. 26, 1840.
A. B. Miller.....	Denver.....	Sept., 1860....	Pa., 1829. Dead.
J. D. Miller.....	Pueblo.....	Sept., 1858....	N. Y., March 22, 1836.
L. Miller.....	Denver.....	May 1, 1860....	Mo., May 1, 1830.
O. Milner.....	Summit Co.....	June 18, 1860...	Ohio, July, 1838. Dead.
L. Mills.....	Denver.....	July 11, 1859...	Ky., Dec. 26, 1826.
D. Mitchell.....	Denver.....	Sept., 1859....	Mo., Sept. 5, 1848.
J. Mitchell.....	Denver.....	May, 1859....	Prussia, 1812. Dead.
M. J. Mitchell....	Denver.....	Nov., 1860....	Kan., 1860.
S. J. Mitchell.....	Denver.....	May, 1860....	Mo., 1844.
D. H. Moffat.....	Denver.....	March 8, 1860...	N. Y., July 22, 1839.
J. C. Moore.....	Denver.....	June 27, 1859...	Tenn., Aug. 18, 1834.
W. H. Morgan....	Park Co.....	May 10, 1859...	N. Y., July 20, 1826.
Geo. Morrison....	Bear Creek.....	June 1, 1859....	Canada, April 16, 1822.
L. B. Morrison....	Denver.....	Oct. 11, 1859...	N. Y., May 2, 1831.
F. C. Morse.....	Fairplay.....	July 9, 1860....	Me., Aug. 5, 1831.
H. B. Morse.....	Central City.....	1860.....	Conn., Nov. 10, 1829.
H. D. Mosher....	Denver.....	June 2, 1860....	Vt., Jan. 8, 1839.
C. M. Mullen.....	Boulder.....	April 7, 1860...	Mass., Oct. 10, 1845.
H. Murat.....	.....	Nov. 2, 1858....	Germany, Oct. 25, 1823.
H. C. Murphy....	Denver.....	June 18, 1859...	Ireland, Sept., 1838.
J. H. Myers.....	Denver.....	Aug. 8, 1859...	Pa., Oct. 31, 1834.
R. Morrow.....	Park Co.....	Oct. 20, 1859...	Pa., Nov. 10, 1829.
W. R. Marshall....	Denver.....	Oct. 27, 1860...	Minn., July 22, 1854.
J. D. Moore.....	Denver.....	May 25, 1859...	Ill., July 11, 1838.
C. Monhart.....	Sedalia.....	May 31, 1860...	Pa., April 30, 1835.
G. T. Miles.....	Denver.....	Sept. 19, 1859...	Ohio, Sept. 15, 1844.
W. H. Maloney...	Watkins.....	June 10, 1860...	Ohio, March 4, 1845.
A. Metzler.....	Frankstown....	April 15, 1860...	N. Y., June 20, 1854.
J. McNassar.....	Sacramento, Cal..	Aug. 11, 1860...	Ireland, April 28, 1825.
J. H. Martin.....	Denver.....	Nov., 1859....	England, Oct. 14, 1826.
G. Monhart.....	Sedalia.....	May 31, 1860...	Pa., Feb. 5, 1855.
D. C. Maxon.....	Elbert.....	July, 1859.....	N. Y., Feb. 12, 1825.
E. P. McElroy....	Husted.....	June, 1859....	Mo., June 12, 1835.

NAME.	RESIDENCE.	ARRIVAL.	BIRTHPLACE AND DATE.
W. H. Macomber..	Colorado Springs..	May 29, 1859..	Mass., May 28, 1839.
J. O. Moore.....	Denver.....	May 15, 1859...	Ill., April 19, 1832.
G. M. Miller.....	Fairplay.....	June 2, 1860....	Wurtemberg, Aug. 31, 1835.
A. Marsh.....	Denver.....	April 20, 1860..	Ontario, Oct. 24, 1834.
Sam'l Monk.....	Denver.....	May 8, 1860....	Mass., Nov. 8, 1824.
A. H. Miles.....	Denver.....	Sept. 5, 1859...	Ohio, Sept. 14, 1820.
S. McClure.....	Abbott.....	Sept., 1860....	Ohio, April 29, 1827.
E. M. McCook....	Ft. Hamilton, N.Y..	Aug. 6, 1859..	Ohio, June 15, 1835.
L. Mayer.....	Denver.....	May 15, 1859..	France, Sept. 16, 1838.
J. G. Melvin.....	Melvin.....	July 15, 1859...	Conn., Nov. 22, 1836.
F. Morey.....	Denver.....	May 15, 1860...	N. Y., Dec. 25, 1832.
C. North.....	Denver.....	July 9, 1860....	Conn., Aug. 29, 1825.
E. Nagle.....	Cheyenne.....	April, 1860....	Ohio, 1833.
C. H. Nix.....	Denver.....	March 28, 1859.	Bingen on the R., June 30, '36.
E. B. Newman....	Denver.....	Aug. 1, 1860...	Md., Oct. 24, 1833.
W. Nicholson....	Central.....	June 15, 1860..	Scotland, July 1, 1835.
D. C. Oakes.....	Denver.....	Oct. 15, 1858...	Me., April 3, 1825.
W. P. Ogden.....	Denver.....	1860.....	Michigan.
R. O. Old.....	Georgetown.....	July 9, 1860...	England, Oct. 28, 1829.
E. B. Older.....	Colorado Springs..	June 12, 1860...	N. J., Aug. 2, 1820.
H. M. Orahoad....	Denver.....	June 11, 1860...	Ohio, June 3, 1841.
H. E. Page.....	Denver.....	1859.....	Maine, 1835.
N. E. Parker.....	Nathrop.....	Oct., 1860....	Me., Feb. 21, 1832.
J. D. Parmelee....	South Park	May, 1860....	Vt., Dec. 3, 1813.
N. S. Parsons....	Denver.....	May 20, 1860...	N. Y., May 4, 1825.
G. Peck.....	Las Animas.....	June, 1858....	July 2, 1836.
J. M. Pendleton...	Denver.....	April 20, 1859..	Ill., Aug. 10, 1834.
C. C. Pennock....	Denver.....	Sept. 10, 1860..	N. Y., April 30, 1850.
E. S. Perrin.....	Denver.....	July 10, 1859...	N. Y., Aug. 20, 1824.
H. A. E. Pickard..	Denver.....	June 28, 1860..	N. Y., July 11, 1839.
J. J. Pachon.....	South Pueblo.....	1859.....	Switzerland, April 15, 1838.
L. J. Pallard.....	Grand Lake.....	July 9, 1859...	N. Y., Oct., 1841.
W. P. Pollock....	Recen.....	April 12, 1860..	Pa., Jan. 31, 1824.
H. R. Price.....	Pueblo.....	June 9, 1860....	Va., Nov. 10, 1833.
A. E. Pierce.....	Denver.....	Feb., 1859....	Mich., Nov. 2, 1837.
C. C. Pell.....	Denver.....	June, 1860....	N. Y., Nov. 3, 1817.
W. Perrin.....	Denver.....	March 18, 1860.	Mass., Oct. 22, 1839.
E. M. Perkins....	Evans.....	May 8, 1860....	Ill., Dec. 17, 1833.
C. W. Pollard....	Georgetown.....	May 26, 1859..	N. Y., Oct. 22, 1834.
L. K. Perrin.....	Denver.....	April 7, 1860...	Conn., July 9, 1814.
H. C. Peck.....	Jefferson Co.....	June 12, 1860..	N. Y., Dec. 23, 1832.
W. G. Pell.....	Boulder.....	July 20, 1859..	Canada, Aug. 10, 1822.
D. G. Peabody....	Denver.....	June 5, 1860...	Vt., March 23, 1834.
W. W. Park.....	Denver.....	June 5, 1860...	N. Y., March 17, 1842.

NAME.	RESIDENCE.	ARRIVAL.	BIRTHPLACE AND DATE.
J. D. Peregrine....	Central.....	June 1, 1859....	Mass., April 23, 1832.
W. Phillips.....	Denver.....	June 2, 1860....	N. Y., Feb. 22, 1822.
W. Queen.....	Central.....	July 1, 1859....	Ohio, Sept. 30, 1833.
W. O. Rand.....	Breckenridge.	May 25, 1860....	Nova Scotia, June 12, 1831.
J. M. Rantschler..	Pueblo Co.....	May 29, 1859..	Kentucky, July 8, 1839.
G. Ratcliff.....	Castle Rock.....	May 8, 1860..	England, Jan. 26, 1837.
J. W. Ratliff.....	Bald Mountain....	May 30, 1860..	Ill., Oct. 18, 1832.
Henry Reitze....	Denver.....	Oct. 30, 1858...	Germany, Dec. 18, 1830.
E. A. Reser.....	Denver.....	June 2, 1860....	N. Y., Dec., 1838.
D. M. Richards....	Denver.....	April 24, 1859..	Ohio, March 27, 1836.
J. J. Riethmann..	Denver.....	Oct. 20, 1858..	Switzerland, Nov. 20, 1838.
Geo. Rist.....	Loveland.....	May 21, 1859...	Pa., April 16, 1841.
Jos. Rist.....	Russell Gulch.....	May, 1859.	Pa., Jan. 25, 1832. Dead.
A. G. Rhoads....	Denver.....	July 3, 1860....	Ohio, Dec., 1836.
J. H. Robb.....	Denver.....	May, 1860....	Ind., Feb. 28, 1836.
J. W. Robb.....	Denver.....	May 15, 1860..	Ind., July 15, 1838.
R. S. Roe.....	Denver.....	June 22, 1859..	England, Aug. 8, 1839.
W. M. Roworth....	Denver.....	May 24, 1860..	N. Y., April 3, 1831.
J. C. Ruffner.....	Denver.....	May 7, 1860....	Switzerland, Sept. 30, 1828.
J. M. Rand.....	Denver.....	May 15, 1860..	Ohio, May 13, 1837. Dead.
E. Riethmann....	Denver.....	March 23, 1859	Switzerland, March 5, 1844.
J. G. Randall....	Como.....	July, 1859.....	N. Y., March 4, 1832.
C. J. Richardson..	Castle Rock.....		
B. O. Russell....	Denver.....	July 23, 1859...	Pa., March 14, 1821.
J. J. Ryan.....	Loveland.....	May, 1860.....	Ireland, Nov. 14, 1838.
L. D. Riethmann..	Denver.....	Nov. 17, 1858..	Switzerland, May 8, 1840.
J. S. Reid.....	Leadville.....	May 30, 1860..	Ireland, Nov. 4, 1830.
H. B. Rollins....	Denver.....	Sept. 7, 1860...	Mo., July 4, 1858.
W. B. Root.....	Aspen.....	June 20, 1860..	Mass., Feb. 7, 1848.
F. Z. Salomon....	Denver.....	June 20, 1859..	Poland, April 10, 1830. Dead.
A. F. Safely.....	Boulder.....	May 5, 1860....	N. Y., June 30, 1841.
G. L. Sanborn....	Denver.....	March, 1860...	Massachusetts, 1831.
E. J. Sanderlin ..	Denver.....	June 11, 1859..	La., Sept. 14, 1835.
J. S. Sanderson...	Denver.....	Oct., 1858.....	Vermont, 1834.
B. N. Sanford....	Denver.....	June 1, 1860....	N. Y., Aug. 10, 1826.
W. B. Sarell.....	Golden.....	May, 1860.....	England, Oct. 17, 1820.
N. Sargent.....	Denver.....	May 1, 1859....	Vermont, Nov. 5, 1811.
G. F. Savory.....	Boulder.....	July 9, 1859..	N. Y., Sept. 1, 1842. Dead.
H. F. Sawyer.....	Denver.....	June, 1860....	Mass., Aug. 26, 1837.
A. Sayre.....	Denver.....	March, 1860....	N. J., March 10, 1835.
H. Schayer.....	Denver.....	June, 1860....	Prussia, April, 1829.
J. Scherrer.....	Denver.....	July 11, 1859...	France, Feb., 1838.
A. Schinner.....	Denver.....	April 16, 1860..	Prussia, April 17, 1831.
C. Schmeder.....	Denver.....	Nov. 15, 1858...	Kansas, May 27, 1831.

NAME.	RESIDENCE.	ARRIVAL.	BIRTHPLACE AND DATE.
G. C. Schleier,....	Denver.....	Nov., 1858....	Ohio, Jan. 4, 1827.
G. Schram.....	Denver.....	June 15, 1860...	N. Y., March, 1830. Dead.
M. M. Seavey.....	Denver.....	.....	Maine, Dec. 10, 1840.
C. S. Semper.....	Denver.....	April, 1859....	England, June 30, 1830.
E. Schafter.....	Denver.....	May, 1859....	England, March 20, 1838.
D. D. Shaw.....	Denver.....	May 28, 1859..	Canada, 1828.
Jos. Shaw.....	.....	May 8, 1860....	Me., July 7, 1832. Dead.
V. S. Shelby.....	.....	July 18, 1859...	Tenn., Feb. 5, 1827.
J. A. Shreve.....	.....	June 5, 1860....	N. J., April 6, 1835.
M. Silverthorne....	Breckenridge	May 17, 1859...	N. J., Sept. 15, 1811. Dead.
W. E. Sisty.....	Brookvale.....	May, 1859 . . .	Pa., Sept. 29, 1827.
T. Skerritt.....	.....	June.2, 1859....	Ireland, Aug. 16, 1820
T. M. Skerritt.....	.....	June 2, 1859...	Colo., May 24, 1860.
C. P. Siade.....	Caribou.....	July 12, 1859...	N. Y., May 30, 1832. Dead.
S. S. Slater.....	Denver.....	July 4, 1859...	N. Y., May 22, 1831.
M. H. Slater.....	Leadville.....	May 19, 1860....	Ill., Nov. 27, 1841.
W. M. Slaughter..	Leadville.....	Oct. 15, 1858...	Ohio, July 25, 1830.
A. A. Smith.....	Leadville.....	June 28, 1859..	Ohio, Aug. 25, 1829.
A. C. Smith.....	Denver.....	Feb. 17, 1859...	N. Y., May 18, 1832.
A. H. Smith.....	Denver.....	June 16, 1860...	Ireland, May, 1843.
A. Smith.....	Castle Rock.....	Jan. 20, 1859...	Ill., Nov. 25, 1834.
J. G. Smith.....	Denver.....	Jan. 15, 1860....	Chili, Jan. 20, 1806. .
W. A. Smith.....	Colorado Springs..	May 14, 1860...	Kan., July 4, 1842.
W. A. Smith.....	Denver.....	March 1, 1860..	England, Nov. 5, 1840.
A. B. Sopris.....	Denver.....	April 23, 1860..	Ind., May 20, 1837.
G. L. Sopris.....	Denver.....	April 23, 1860..	Ind., Feb., 1853.
R. Sopris	Denver.....	March 15, 1859...	Ind., July 26, 1813.
S. T. Sopris.....	Denver.....	April 23, 1860..	Ind., Dec. 3, 1845.
D. L. Southworth..	Denver.....	1860.....	Iowa, 1827.
George Sparks....	Nevada.....	May 2, 1860...	Pa., July 9, 1841.
J. H. Speed.....	Denver.....	July 6, 1860....	Kentucky, 1824.
J. C. Spencer.....	Denver.....	July, 1859.....	Ohio, Nov. 27, 1831. Dead.
I. P. Spinning....	Denver.....	April 1, 1859..	Ohio, Sept. 21, 1837.
A. M. Stanbury....	Denver.....	June 27, 1859...	N. Y., Nov. 6, 1830.
F. J. Stanton.....	.....	Aug. 1, 1860....	England, Dec. 21, 1826.
I. W. Stanton.....	Pueblo.....	June 25, 1860...	Pa., Jan. 6, 1835.
Amos Steck.....	Denver.....	May 29, 1859...	Ohio, Jan. 8, 1822.
R. W. Steele.....	.....	.....	.....
R. P. Stockton....	Deer Trail.....	Aug. 4, 1859...	Tenn., April 13, 1840.
W. F. Stone.....	Denver.....	April 4, 1860...	Conn., Dec. 28, 1836.
W. Stringham .....	.....	.....	.....
A. Sagendorf.	Denver.....	Nov. 6, 1858....	N. Y., Aug. 28, 1828
E. B. Sopris.....	Trinidad.	June 8, 1859.....	Ind., July 21, 1843.
G. W. Snell.....	Denver.....	June, 1859.....	N. Y., March 29, 1859.

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NAME.	RESIDENCE.	ARRIVAL.	BIRTHPLACE AND DATE.
R. Standring.....	Pine P. O.....	July, 1859.....	England, March 19, 1833.
J. W Schrock.....	Denver.....	June 19, 1860..	Ky., Jan. 7, 1838.
D. O. Sutphen....	Denver.....	June 17, 1860..	Ind., Oct. 15, 1842.
G. K. Sabin.....	Denver.....	May 20, 1860..	Vt., March 19, 1830.
P. Schaefer.....	Denver.....	June 15, 1860..	Nassau, Sept. 14, 1836.
T. H. Simonton....	Red Cliff.....	May 15, 1859..	Pa., Oct. 2, 1827.
M. Storms.....	Denver.....	May 15, 1859 .	Ohio, Nov. 5, 1823.
R. J. Spottswood..	Littleton.....	April 16, 1860..	Va., Oct. 25, 1839.
O. N. Saulcy.....	Denver.....	April 5, 1860..	Deele, France, July, 1835.
H. Z. Salomon....	Denver.....	Feb. 15, 1859..	Prussia, Sept., 1832.
J. Shouk.....	Denver.....	July 4, 1859 ...	Pa., Nov. 28, 1832.
M. D. Swisher....	Silver Cliff.....	June 6, 1859....	Va., March 22, 1838.
J. G. Smith.....	Denver.....	July 5, 1860. .	Canada, July 9, 1824.
H. P. Scott.....	Davenport.	May 15, 1860..	Ohio, May 16, 1837.
H. A. W. Tabor....	Denver.....	June 10, 1859..	Vt., Nov. 26, 1830.
J. M Tallman....	Frankstown.....	May 13, 1859..	New York, April 25, 1838.
D. S. Thompson...	Denver.....	July 4, 1860....	Massachusetts.
G. E. Thornton...	Denver.....	July 2, 1859 ...	Conn., Nov. 2, 1829.
O. B. Totten.....	Helena, M. T....	Nov. 14, 1858...	N. J., April 9, 1830.
W. S. Tough.....	Denver.....	April, 1860	Maryland, 1840.
J. Frankle.....	Denver.....	Sept. 10, 1860..	Ill., Oct. 25, 1850.
G. Tritch.....	Denver.....	April 26, 1860 ..	Germany, April 25, 1829.
J. M. Turley.....	Denver.....	May, 1859.....	Mo., July 30, 1830.
J. F. Tabor.....	Denver.....	June 20, 1860..	Vt., May, 1827.
A. W. Tucker....	Bald Mountain....	June 2, 1859...	Pa., Jan 10, 1837.
G. E. Turner.....	Silver City.....	April, 1860.....	Ind., June 17, 1838.
J. C. Turner.....	Durango.	June 22, 1858...	Conn., March 10, 1836.
J. F. Tritch.....	Denver.....	Aug., 1860.....	Iowa, Nov. 15, 1855.
P. Talbot.....	Denver.....	June 16, 1859....	Ky., Dec. 9, 1827.
H. R. Tillitt.....	Holly.....	June 1, 1860...	Ohio, March 27, 1844.
J. B. Tomlinson....	Denver.....	May 15, 1860..	England, Feb. 1, 1832.
I. P. VanWormer..	Denver.....	June 17, 1859;..	N. Y., April 15, 1833.
C. Visscher....	Denver.....	June 1, 1860....	N. Y., Dec. 15, 1833.
A. H. VanVlieden.	Denver.....	Sept. 15, 1859.	N. Y., Sept. 19, 1828.
Conrad Walbrach..	Denver.....	Sept. 1, 1860..	Germany, Feb. 8, 1837
J. Walker.....	Denver.....	Dec., 1860.....	Maine, Feb. 17, 1833.
H. B. Walker.....	Husted.	May 20, 1860...	Ill., Feb. 23, 1833.
D. K. Wall.....	Denver.....	April 29, 1859..	Ohio, May 26, 1826.
J. H. Wall.....	Denver.....	April 29, 1859 .	Ind., Jan. 17, 1842.
J. J. Walley.....	Denver.....	July 17, 1860...	N. Y., Feb. 22, 1826.
W. B. Walling....	Denver.....	June, 1860.....	Vt., Jan. 31, 1835.
J. Wanless.....	Colorado Springs..	1859.....	1833.
J. E. Wannemaker.	Golden.....	July 1, 1859...	Ohio, April 7, 1838.
A. Walrod.....	Denver.....	Oct. 10, 1858...	N. Y., 1825.

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A. J. Washburn....	Denver.....	June 13, 1859...	Me., March 4, 1827.
J. W. Watson.....	Denver.....	June, 1859.	Ohio, Oct. 11, 1830.
E. Weaver.....	Sedalia.....	April 14, 1860..	Va., March 14, 1834.
L. B. Weil.....	Denver.....	June 24, 1860..	Germany, Nov. 12, 1840.
L. Wellmann.....	Boulder.....	July 9, 1859....	Pennsylvania.
C. D. Wendell.....	Morrison.....	May, 1860.....	N. Y., April 25, 1836.
J. S. Wheeler.....	Fort Lupton.....	June 17, 1859..	Massachusetts.
W. W. Whipple....	Denver	1859.....	.....1837.
J. E. White.....	Denver.....	May 13, 1859..	Pa., Feb. 25, 1833.
O. A. Whittemore..	Denver.....	March 24, 1860..	Mass., March 2, 1828.
J. W. Whitlock	Brooklyn.....	May, 1859....	Pa., Sept. 12, 1843.
J. W. Weir.....	Denver.....	June 28, 1860..	Pa., Jan. 28, 1826.
O. P. Wiggins....	Byers.....	Dec., 1858.....	Canada, July 22, 1821.
P. P. Wilcox.....	Denver.....	June 14, 1860..	Pa., Sept. 6, 1824.
W. F. Wilder.....	.....	Dec. 24, 1859..	N. Y., 1833.
J. E. Williams....	Denver.....	April 27, 1859..	Conn., April 21, 1834.
E. A. Willoughby..	Denver.....	Oct. 28, 1858..	N. Y., Jan. 6, 1836.
W. Wise.....	Denver	May 1, 1859 ...	Germany, June 3, 1835.
D. Wolpart.....	Platte	Aug., 1859.....	Ohio, Nov. 23, 1833.
A. C. Wright.....	Denver.....	June 10, 1858..	N. Y., July 4, 1837.
C. W. Wright.....	.....	July, 1860.....	N. Y., Dec. 12, 1842.
D. C. Wyatt.....	Denver.....	May 5, 1859....	Mo., Oct. 14, 1837.
H. Wendling.....	Denver.....	May 16, 1860..	Germany, April 15, 1837.
T. E. Wheeler....	Lupton	May 17, 1859..	Mass., Sept. 13, 1836.
F Wheeler.....	Denver.....	June 15, 1860..	Ill., Nov. 5, 1843.
J. M. Wallace....	Leadville.....	May 26, 1860..	Ohio, Aug. 9, 1825.
G. E. Wilson.....	Sterling.....	May 20, 1860..	Pa., Dec. 8, 1838.
J. H. Warner.....	Idaho Springs....	June, 1860....	Conn., Nov. 5, 1829.
J. Wolff	Boulder.....	June 5, 1860....	Pa., Aug. 5, 1825.
R. J. White.....	Denver.....	June 15, 1860..	Ireland, June 20, 1820.
A. D. Wilson.....	Denver.....	May 24, 1860..	Mo., July 2, 1844.
M. H. Wakeman...	Denver.....	July, 1860.....	N. Y., Nov. 3, 1841.
J. C. Woodbury....	El Paso.....	April 20, 1860..	Mass., Dec. 25, 1825.
J. C. Wright.....	Idaho Springs....	June 27, 1860..	Ind., April 11, 1837.
J. E. Wild.....	Cheyenne.....	March 9, 1860..	Mass., May, 1835.
T. Woodward.....	Denver	June 18, 1860..	Ireland, March 17, 1838.
L. J. Webber.....	Denver.....	July 4, 1860..	Mich., Aug. 9, 1835.
S. C. Webber.....	Denver.....	June 20, 1860..	N. Y., April 27, 1833.
J. M. Whitney....	Deadwood.	Aug. 3, 1860....	N. Y., Nov. 23, 1833.
H. O. Waggoner..	Denver.....	July 3, 1860....	Md., Feb. 27, 1816.
H. G. Wolff.....	Denver.....	Aug. 20, 1859..	Va., Oct. 23, 1845.
R. S. Wootten, Sr..	Trinidad.....	June 1, 1836....	Va., May 6, 1816.
R. L. Wootten, Jr..	Trinidad.	Dec. 25, 1858..	N. M., March 21, 1851.
J. T. Younker.....	Denver.....	June 22, 1858..	Ohio, Aug. 1, 1833.

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